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CONTESTED ELECTION CASE

OF

JOSEPH A. CONRY vs. JOHN A. KELHER,

FROM THE

NINTH CONGRESSIONAL DISTRICT
OF MASSACHUSETTS.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1903.

CONTESTED ELECTION CASE
OF
JOSEPH A. CONRY VS. JOHN A. KELIHER,
FROM THE
NINTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS.

NOTICE OF CONTEST.

BOSTON, *December 24, 1902.*

TO JOHN A. KELIHER, Esq.,

Boston, County of Suffolk, and Commonwealth of Massachusetts;

I, Joseph A. Conry, of Boston, in said county of Suffolk, hereby give you notice that I intend to contest your election to the House of Representatives in the Fifty-eighth Congress of the United States, you having been declared elected as a member of said House of Representatives from the Ninth Congressional district in said Commonwealth at the election holden on the 4th day of November last past.

I specify the following grounds on which I shall rely in such contest:

First, That by reason of your action or the action of those in your employ, or acting in your behalf with your knowledge, the voters of said district, or a large number thereof, were deceived through the public press and in various other ways into the belief that a certain telegram emanating from the chairman of the Democratic Congressional committee personally indorsing the candidacy of the undersigned, Joseph A. Conry, was fictitious and published to deceive, and this you did personally, or caused be done through those in your employ or acting with your knowledge and your instructions in your behalf, willfully and maliciously and fraudulently, and with intent thereby to deceive said voters by publishing or causing to be published in said public press a telegram purporting to have emanated from said chairman of the Democratic Congressional committee, which telegram in fact as published by you was never sent by said chairman of the Democratic Congressional committee or with his authority or the authority of any person rightfully acting for him or in his behalf, and was in fact never received by you or those in your employ or those acting in your behalf.

Such action by you, or those in your employ, or those acting in your behalf, was fraudulent, misleading, dishonorable, and intended to corrupt the minds of the voters of said district, and to injure my candidacy, and did so injure it.

[Copy of telegram received by Hon. Joseph A. Conry.]

THE WESTERN UNION TELEGRAPH COMPANY,

Washington, D. C., November 1, 1902.

HON. JOSEPH A. CONRY,

No. 53 Devonshire street, Boston;

While it would be improper in me as chairman to take sides in a contest between two Democrats, I cheerfully say that personally I believe your record entitled you to a renomination, and I hope you will be elected.

J. M. GRIGGS.

[Copy of telegram advertised in the press of Boston, Monday, November 3, 1902, in the interest of John A. Keliher.]

The following from Hon. James M. Griggs, chairman National Congressional Democratic committee, is authentic and self-explanatory:

"WASHINGTON, D. C., November 2, 1902.

"DANIEL M. DRISCOLL,

Chairman Ninth Congressional District Committee, Boston, Mass.:

"Replying to your telegram of this date, I have not expressed or implied by a single word, wired or otherwise, officially or privately, any preference for a candidate in the Ninth Massachusetts district. My chief interest is in seeing the Ninth district of Massachusetts elect a Democrat to Congress.

"JAMES M. GRIGGS,

"Chairman National Congressional Democratic Committee."

Second. That a large number of votes at said election, viz, many more than your whole plurality were counted for you, which votes were never cast by any legal voter in said district, and these alleged votes were cast for you and were thus counted in wards 6, 7, 8, 9, and precincts 6 and 7 of ward 12, of said city of Boston.

Third. That in the above-specified wards and specified precincts of wards of the city of Boston at said election a large number of votes were cast for you by persons having no legal right to vote or by persons having cast more than one vote and voting many times, and these said votes so cast were counted for you.

Fourth. That many votes were cast and counted at said election for you in said Ninth Congressional district by persons who were induced to cast said votes for you by the payment, gift, or bestowal on said voters of gifts and rewards, or by promising to pay, give, and bestow upon such voters gifts and rewards.

Fifth. That a large number of votes were legally cast for me which were not counted for me, although clearly intended to be votes for me, said votes having been invalidated by the illegal and fraudulent and criminal action of the election officers in above-mentioned wards and precincts, or by persons having access to the ballots as cast in said wards and precincts, through the permission or connivance of said election officers, so that the will of the voters casting such ballots in said wards was thwarted and the ballots invalidated as aforesaid by the addition of and extra cross to the names on the ballots for candidates for Congress other than myself, a cross having been legally and properly made opposite my name and opposite no other name of a candidate for Congress by the voter, said extra or additional cross or mark having been made by persons other than the voter and after the ballot had been deposited in the ballot box; and such illegal, fraudulent, and criminal action was committed thus and in various other ways by such persons acting in your interest and for your advantage.

Sixth. That upon election day in the various precincts of said wards of said district the names of a great many persons who, as a matter of fact, did not vote upon said day at said election were voted upon by persons to the undersigned unknown, which persons were other than those rightfully entitled to the name duly registered as voters in said precincts, and other than persons who had qualified as voters in said precincts of said wards under said names, and such votes were cast by reason of your request, promise, or inducement held out by you, or by reason of requests, promises, or inducements made or held out by persons acting in your interest.

Seventh. That a large number of votes at said election, viz, many more than your whole plurality, were counted for you, which votes were cast for you by reason of promises made by you, or people acting in your behalf, to secure employment in the various departments of the city of Boston and elsewhere for the persons casting such votes, the making of such promises and the action of the voters consequent thereon thereby making the votes cast by such persons corrupt, and the whole being in direct violation of the laws of this Commonwealth and the United States in such behalf made and provided.

Eighth. That at said election in said wards and precincts a large number of votes were cast for you and counted for you by persons well known to me, and who, in fact, were nonresidents of the district, and who had no legal right to vote therein, and these persons, for the purpose of casting their votes at said election in your interest, became, by fraud and deceit, assessed and registered as voters, illegally, as I claim, and without possessing the lawful qualifications therefor, and this was done by such persons with your knowledge and connivance, or with the knowledge and connivance of those acting with authority in your behalf.

Ninth. That at said election in the precincts of said wards various other illegal, fraudulent, and corrupt acts were done in your interest by persons acting in your support and in your behalf, such as delivering ballots already marked with a cross

opposite your name as a candidate for Congress to voters to be deposited in the ballot box as votes by them; the illegal removal of collections and parcels of ballots from various polling booths for illegal purposes; intimidation by men, acting in your interest, of employees of the municipal corporation of the city of Boston, and other acts, the details of which the undersigned is unable at this time to furnish.

All the above illegal and fraudulent acts it is hereby claimed were done with your knowledge and connivance or with the knowledge and connivance of those parties acting with rightful authority from you and in your behalf and for your advantage, and to the grave injury of my candidacy, and by reason of such acts, and by reason of these acts alone, was your apparent plurality secured.

I therefore contend, in view of all the foregoing, that you were not legally elected a member of the Fifty-eighth Congress of the United States, and that I was legally elected thereto.

JOSEPH A. CONRY,

157 Webster street, East Boston, Mass.

SUFFOLK, ss:

BOSTON, *December 24, 1901.*

I hereby certify that I this day delivered in hand to John A. Keliher, esq., the original of which the within is a duplicate copy. The said service was made at the Hotel Bellevue, Beacon street, in said Boston.

JOHN J. CONROY,

Constable of the City of Boston.

SUFFOLK, ss:

BOSTON, *December 24, 1902.*

Personally appeared the above-named John J. Conroy, a constable of the city of Boston, and known to me as such, and made oath that the above return, subscribed to by him, to be true.

[SEAL.]

JOHN E. CROWLEY,

Notary Public.

ANSWER TO NOTICE OF CONTEST.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

JOSEPH A. CONRY, Esq.,

Boston, County of Suffolk, Commonwealth of Massachusetts:

I, John A. Keliher, of Boston, in the county of Suffolk and Commonwealth of Massachusetts, in answer to your notice that you intend to contest my election to the House of Representatives of the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, which election was held on the 4th day of November, 1902, deny in each and every particular the grounds upon which you rely, as set forth in said notice of contest, as if each and every one of the said grounds were herein specifically and particularly set forth and denied; and, further answering, say that, upon advice of counsel consulted by me, I refused to answer your notice within thirty days from the time of the service thereof on me, as, in the legal opinion of said counsel, your notice was insufficient in law, in that it was not served upon me within thirty days after the result of said Congressional election was determined by the officer or board of canvassers required to so determine the same under section 105, Revised Statutes of the United States, 1878; and, further, this answer is now served upon you, waiving none of my rights in the premises, but retaining and standing upon the same; and, further answering, I charge you, or others acting in your behalf or for your advantage, with the commission of each and every offense alleged by you in the second, third, sixth, seventh, eighth, and ninth items contained in your notice, in every precinct and ward in said Congressional district, and with the violation in every precinct of said district of the provisions of chapter 11 of the Revised Laws of this Commonwealth.

JNO. A. KELIHER.

BOSTON, April 2, 1903.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

I this day served the within precept upon the within-named Joseph A. Conry by delivering to him, in hand, an attested copy thereof.

ROBERT E. MAGUIRE, *Deputy Sheriff.*

PROTEST.

In support of the contention that any hearings for the purpose of taking evidence, held by the contestee in the Conry-Keliher case, are contrary to the law governing contested-election cases I have the following to offer:

First. On March 5, 1903, at a hearing in the Conry-Keliher contested Congressional election case the attorney for the contestee objected to further proceedings on the ground that the time limit provided by the statute for taking testimony on behalf of Mr. Conry had expired. Assuming that this premise was sound and as the same statute controls the time allowed to the contestee, his time for taking testimony would at the latest begin to run from the 5th of March and extend over a period of forty days therefrom, making the 13th of April, 1903, as the last day on which the contestee could legally take evidence. Inasmuch as more than sixty days have passed from the 13th of April last, why does not the contention of the contestee as set up on March 5 apply with greater force to his right to hold hearing in this case at this time under the law? (S., 107, 106, 105, R. S. U. S.)

Second. The contestant having filed the notice and in the manner prescribed by law of intention to contest, and the contestee having failed to answer as provided by law, the contestant proceeded to take testimony under said notice and in compliance with law, and that the time of ninety days allowed under the statute for taking testimony having long since expired, the contestee is estopped from taking testimony under the statute made and provided for the proper conduct of contested Congressional cases.

Until the House itself lays down and prescribes a different mode of conducting contested-election cases before it the parties to a contest have a perfect right to rely upon a statute being strictly observed and followed.

One purpose of the statutes of the United States was to compel parties to a contested-election case seasonably to prepare their case so that it might have an early determination by the House.

The evils resulting from permitting parties at their own convenience to regulate the time of taking testimony without regard to the statutes or the public interests are too serious and obvious to require comment.

Where all the testimony was taken long after the time the committee reported the case should be dismissed. (O'Hara v. Kitchin, Forty-sixth Congress.)

In *Howard v. Cooper*, Thirty-sixth Congress: The House said to grant such postponement and protracted appointments for taking additional testimony after both parties have had equal and sufficient opportunity to present their case in full is practically to nullify the law to render the right of contesting a seat in Congress useless and nugatory. If such application rests upon no stronger reason than the laches of the party making the same it should be promptly rejected. To do otherwise is to trifle with the privileges of the House and to make the labors of your committee interminable and useless. It is due to every interest concerned that the rights in dispute should be settled and parties held to reasonable diligence under the laws of the land in the prosecution and presentation of their respective claims.

* * * * *

The evidence of the four last-mentioned witnesses was drawn out principally by leading questions, in the absence of the contestant, and when it was known to them that he had positively declined and refused to be present for the purpose of cross-examination, because the witnesses were not called within the time prescribed by law for taking testimony; and it is only by consent of the contestant that their testimony is considered. (Abbott v. Frost, Forty-fourth Congress.)

JOSEPH A. CONRY, Contestant.

*PROTEST.*WASHINGTON, D. C., *July 16, 1903.*ALEX. McDOWELL, Esq.,
Clerk House of Representatives.

DEAR SIR: Upon the opening of the testimony in the Conry-Keliher contested-election case from the Ninth Congressional Massachusetts district, I find that the testimony offered by the contestant is not certified to by the presiding officers as required under the statutes made and provided. I therefore enter my protest against the admission of all such evidence, and contend that such evidence should have been signed by both officers and in the presence of contestant and contestee.

Respectfully,

JOHN A. KELIHER,
By his attorney, FRANCIS A. CAMPBELL.

TESTIMONY FOR CONTESTANT.

NOTICE TO TAKE DEPOSITIONS.

Boston, February 19, 1903.

JOHN A. KELHER or his Attorney.

DEAR SIR: You are hereby notified that I intend to take the testimony of the witnesses whose names and addresses are given in the appended list, on Friday, the 27th day of February, A. D. 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, jr., esq., a special justice of the East Boston district court, at the court room of said court, on Meridian street in East Boston, in said district, and if the taking of said depositions is not concluded on the said date the further taking of such testimony will be continued from day to day at the same hour and place until fully concluded.

Charles R. Saunders, 72 Pinckney street; Daniel M. Driscoll, 340 Bowdoin street, ward 20; Edward B. Pillsbury, 14 Ashford street, ward 25; John F. Caldwell, Peter F. Carl, Andrew J. Collins, John Doyle, John T. Eagan, Luke Fanning, Patrick F. Galvin, Edward J. Kane, James D. Lucey, Martin A. McNamara, John J. O'Brien, Edwin D. Page, John Ryan, William P. Scanlan, Daniel F. Sullivan, Lawrence S. Sullivan, James D. Barnes, James J. Malley, Edward Downey, Bernard Gunn, James McCoy, Daniel McDonald, Joseph J. McKay, Phillip Shalley, John Callahan, Henry Clay, Thomas J. Kennedy, Timothy Lyons, William Magee, John J. Mclefont, James Miles, Thomas H. Miles, James A. Scott, Richard C. Williams, Richard Williams, jr., all of 1 Lowell street; John Connors, John J. McCarthy, Nathaniel Reed, Thomas J. Ryan, Lawrence J. Agnew, James E. Brown, James A. Burke, John Clary, James M. Conlin, Edward A. Crocker, Bartholomew F. Dolan, Martin F. Dolan, John Fagan, James Finn, Edward Hackett, Russell B. Hibbs, Joseph M. Hubbard, Philip J. Keefe, Patrick Lally, William J. Lee, John Leonard, Joseph Mack, Patrick L. Murray, Robert O'Brien, Henry B. Quimby, Michael J. Reed, Edward Rogers, Francis J. Roper, James Ryan, James Sheehan, John Sullivan, Edward J. Sweeney, William Welch, Edward O'Donell, all of No. 3 Lowell street; John F. Mahoney, William E. Martin, William J. Shanahan, Thomas A. Carroll, James S. Drysdale, Lawrence S. Finnegan, Joseph Floyd, James F. Gorman, George E. Hastings, John H. Hines, Alfred Johnson, Joseph H. Krause, Thomas W. McTernan, Michael O'Donnell, Michael Shanahan, Michael J. Shanahan, Douglas Skinner, Joseph E. Sullivan, all of No. 26 Pitts street; William R. Edwards, Charles M. Doran, Joseph Harris, Joseph H. Johnson, John F. Kane, Michael J. Kelleher, Michael J. Kelley, Eugene J. McCarthy, John J. Moore, James L. Moran, John B. Mudge, Daniel Mulcare, John T. Carey, Michael Cavanagh, Michael W. Cavanagh, Michael C. Dyer, Walter J. Fay, William Kelley, Edward C. Lenox, Andrew Linchan, Thomas Manning, Michael McCarthy, Jeremiah J. Murphy, Peter O'Rourke, Dennis F. Quinlan, James H. Wilson, John J. Winn, all of No. 19 Causeway street.

[SEAL.]

JOSEPH A. CONRY,

By his attorney, CHARLES F. M. MALLEY.

Boston, February 27, 1903.

JOHN A. KELHER or his Attorney.

DEAR SIR: You are hereby notified that I intend to take the testimony of the witness whose name and address is given below, on Monday, the 2d day of March, 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, jr., esq., a special justice of the East Boston district court, at the court room of said court on Meridian street, in East Boston, in said district, and if the taking of

such deposition is not concluded on the said date, the further taking of such testimony will be continued from day to day, at the same time and place, until fully concluded.

George H. Morse, 78 Poplar street, Ward 8, Boston, Mass.

JOSEPH A. CONRY,

By his Attorney, CHARLES F. M. MALLEY.

BOSTON, February 27, 1903.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

On this day I served the notice, of which the within is a duplicate original, upon the within-named John A. Keliher, by leaving the said notice at the last and usual place of abode of the said John A. Keliher, No. 43 Albion street, Ward 9, Boston, Mass. Said service was made at 10.53 o'clock p. m.

EDWARD F. BRENNAN,

47 Haynes st., East Boston, Mass.

BOSTON, February 28, 1903.

SUFFOLK, ss:

Then personally appeared the above-named Edward F. Brennan and made oath that the above statement by him subscribed is true. Before me.

EDWARD E. REARDON,

Justice of the Peace.

UNITED STATES OF AMERICA, *Massachusetts District, ss.*

TO DANIEL M. DRISCOLL,

440 Boardman street, Ward 20, Boston, Mass.—Greeting:

You are hereby required in the name of the United States of America to appear before me, Joseph H. Barnes, jr., special justice of the East Boston district court in the county of Suffolk, in said district, at court room on Meridian street in East Boston, in said district, on the 27th day of February, A. D. 1903, at 1 o'clock in the afternoon, and from day to day thereafter until the matter hereinafter named is heard by me, to give evidence of what you know relating to a contested Congressional election case then and there to be heard, in which Joseph A. Conry is the contestant and John A. Keliher is the returned member; and you are further required to bring with you all papers, documents, telegrams, copies or duplicates of telegrams received by you or alleged to have been received by you during the months of October and November, 1902, from the Hon. James M. Griggs, of Georgia, relating to a Congressional election in the Ninth Massachusetts Congressional district, in which the Hon. Joseph A. Conry and the Hon. John A. Keliher were candidates for a seat in the Fifty-eighth Congress of the United States of America.

Hereof fail not, as you will answer your default under the pains and penalties of the law in that behalf made and provided.

Witness my hand and seal of said court at Boston this 19th day of February, A. D. 1903.

[SEAL.]

JOSEPH H. BARNES, JR.,

Special Justice of the East Boston District Court.

[Officer's return.]

BOSTON, February 19, 1903.

SUFFOLK, ss:

By virtue hereof, I this day summoned the within-named Daniel M. Driscoll to appear and testify at court as within directed, by giving to him in hand a duplicate original copy of the within subpoena.

JOHN J. CONROY,

Constable of the City of Boston.

COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE SECRETARY,

Boston, June 10, 1903.

I hereby certify that on the 16th day of August, 1899, Joseph H. Barnes, jr., was appointed and commissioned, and on the 17th day of August, 1899, duly received the qualifying oaths thereunder, as one of the special justices of the East Boston district court; to hold said trust during his good behavior therein; and that to his acts and attestations as such full faith and credit are and ought to be given in and out of court; and, further, that the said appointment is in full force and effect, and has been since the said date of qualification.

In testimony of which I have hereunto affixed the great seal of the Commonwealth.

[SEAL.]

WM. M. OLIN,

Secretary of the Commonwealth.

EAST BOSTON COURT-HOUSE, *February 27, 1903.*

Before Joseph H. Barnes, J.

Present, Charles F. M. Malley and Francis F. Harrington for contestant; Francis A. Campbell for contestee.

MR. MALLEY. May it please your honor, I have to call to your attention the matter of taking evidence in the pending contest for seat in the Fifty-eighth United States Congress, now pending between Joseph A. Conry, contestant, and John A. Keliher, contestee. In compliance with the laws of the United States, on behalf of Joseph A. Conry I have, as your honor knows, made application to you as a judge of a court of record for the issuance of certain subpoenas directed to various witnesses, and I shall now ask your honor to produce herewith, so that it may be incorporated in the record the application made for the subpoenas of witnesses to attend and be examined upon the 27th day of February, at 1 o'clock, and ask that they be incorporated in the record.

MR. CAMPBELL. My brother has asked for the subpoenas of the witnesses issued in this case, and I suppose that that includes the notice to the contestee. I would like to know if I am right.

MR. MALLEY. Before you consent to Mr. Campbell I will withdraw any remarks as to the subpoenas at this time and suggest to your honor and for the consideration of my brother that in taking the testimony which we are here to produce the use of a stenographer be agreed to. Do I understand there is an objection?

MR. CAMPBELL. I understand that under the statutes of this case that the witnesses are to attest to their testimony, and I don't see how they can attest to shorthand writing, and I therefore do object to it and ask that it be taken according to statute. My objection is simply that it is not according to the law; that under the law it must be taken in long hand and attested by the witnesses. I simply stand upon the law.

MR. MALLEY. Waiving the consideration of it for the present time I will now, at his suggestion, present to the court a copy of the notice served in compliance with the laws of the United States on behalf of Joseph A. Conry upon John A. Keliher, the contestee in this proceeding. I offer that now, and I shall read it.

MR. CAMPBELL. Let me interrupt my brother and ask if this is the original notice that is in charge of the court?

MR. MALLEY. This is the original notice, with the officer's return upon it.

MR. CAMPBELL. Then I understand this notice is in the control now of the attorney?

MR. MALLEY. It is now offered by me as attorney for Joseph A. Conry.

MR. CAMPBELL. I was not aware that the court had offered the notice to him; I find it in the possession of the attorney; I wish to proceed according to law.

MR. MALLEY. To clear the matter I will simply state that we produce now a notice, a duplicate original of which was duly served upon John A. Keliher, and we now offer that notice with the duly authorized officer's return thereon as a part of the evidence in this proceeding, and I propose to read the same.

MR. CAMPBELL. What I wish to make clear and what I wish to understand, has your honor accepted this and has he taken it from the records of this court? It is not for the attorney of the contestant to say who was in possession of the record of this court and I wish that the court will decide if this is properly in the possession of the court, as I have observed that the attorney for the contestant has it in his immediate control without taking it from any judicial source.

MR. MALLEY. If that is all the objection the gentleman has I have no objection to having it noted.

THE COURT. You read it, Mr. Malley.

MR. CAMPBELL. I supposed it was returned to the court under—

THE COURT. You read the document.

(Mr. Malley reads the document.)

THE COURT. I mark this "Exhibit 1." Do you object, Mr. Campbell.

MR. CAMPBELL. I respectfully object to that. I would ask first for the records of this court that they be produced in evidence. I understand that this court sits as a special justice.

THE COURT. You don't ask me to produce it?

MR. CAMPBELL. I ask the court to produce it—record of the court.

THE COURT. Records that shall be used as evidence. I suppose that is your privilege in proper time if evidence is offered on the other side. I suppose you can produce them if you wish to. As far as I am concerned I simply am to sit here and receive what Mr. Malley or you may produce, either documentary evidence or evidence of any other kind. I will note your objection, Mr. Campbell, to this document. Put down the grounds of your objection.

MR. CAMPBELL. If you please, in just one minute. I would like to ask in that connection if the special justice upon February 19, 1903, was sitting as a special jus-

tice, and whether or not he issued these summons, or while he was thus sitting it was requested by the presiding justice of this court?

The COURT. You mean to ask me?

Mr. CAMPBELL. I ask the court; yes.

Mr. MALLEY. I don't understand that the statutes of the United States contemplated that when we selected a man designated by them as the proper man to select it intended to mean thereby that this man be called upon to produce evidence to prove or disprove the contestee's case here. And for that reason I object to the court answering any questions.

The COURT. I think at the present time all I am called upon to do is to receive such evidence as is offered.

Mr. CAMPBELL. I understand that the court recognizes some method of procedure and recognizes some source from which he derives his authority to sit. I would like to know where he derives his authority to sit in this case.

Mr. MALLEY. I understand that this is merely in the nature of taking a deposition and that the questions of law are to be ruled upon by the Committee of Elections of the United States, and later, if necessary, by the House of Representatives of the United States. To save time, I think if my brother Campbell will consider it for a minute, that while all his objections may be noted to preserve his rights still the court is not required here to rule upon these questions; its duty is merely an administrative one to note such objections as are made and to submit them to the Committee on Elections of the United States.

Mr. CAMPBELL. There must be first some evidence produced as to the legality of these proceedings and there must be some law, either statutes of the United States or statutes of Massachusetts. I understand that this action is brought with the statutes of the United States. I have not seen any evidence presented to show that the special justice presiding in this case is presiding under the law. There has been no law produced to show that he has a right to preside here, and I wish before the proceedings go on, only simply for protection of the interest of my client and not for any other purpose, to have these matters and things which are parts of the record, to have them presented properly. This is a court and it is to be governed by some rules, some law; it has to be governed in some way by a source of authority. Now I want to know by what authority this court sits. I don't recognize this court until it has presented some evidence it has a right to sit in this case. There has been no evidence produced so far.

Mr. MALLEY. Without taking up unnecessary time I would like to state to my brother Campbell that if he is at all in doubt about the appointment of Joseph H. Barnes as a special justice of the East Boston district court I will agree that a certified copy of his commission from the governor of this Commonwealth be incorporated with the records we are submitting to the commissioner of elections; and I will further say that in proceeding now we proceed, and if we are not legally correct in our grounds it is our peril; if he is right, he has nothing to fear.

The COURT. I will note your objection, Mr. Campbell, to my sitting on the ground that there has been no evidence produced to show authority on my part, and will, in accordance with the suggestion of Mr. Malley, incorporate a copy of the certificate of my appointment as special justice of this court; and I am ready to listen to the evidence offered by the contestee.

Mr. CAMPBELL. Your honor misunderstands me. My point is not that this court is not appointed by the power of the statutes of Massachusetts. I acknowledge all that. I am not arguing that. I acknowledge that you are a special justice of the East Boston district court. We acknowledge that. We don't make any contention on that ground, and your honor misunderstands. What I say is, there has been no evidence produced here to show that this proceeding should go on. There has been no evidence, and the only thing I am here to do is to see that the records are correct, that they may be transmitted to Washington correctly, and not in any other way, because if they are not transmitted correctly it might jeopardize the interests of my client. It might jeopardize the interest of the contestant. What I want is that a proper record—that the court shall note that a proper record has been presented to this court to show that it should sit here.

Mr. MALLEY. Observing all that Mr. Campbell has said we are now ready to proceed. Before we will produce any further evidence we will produce Mr. Conroy, the constable, who will appear on the stand and make oath as to his service of the notice. We desire to say we take the rest of the evidence and desire your honor to note it without any prejudice to any and all existing right that may have accrued to the contestant, either by reason of the default of John A. Keliher in not filing an answer within the time prescribed by law to the notice of Joseph A. Conry to him of his intention to contest the election. I desire it noted that this evidence is taken without any prejudice.

Mr. CAMPBELL. I pray your honor to observe my objection.

The COURT. I have noted your objection. I understand, Mr. Malley, you are now ready to offer evidence.

Mr. MALLEY. I desire the statement that I made that we proceed without prejudice with any rights by reason of the default of John A. Keilher in not filing his answer in time prescribed by law.

Now, before we enter upon the testimony, I desire to have the question as to the manner in which the testimony is to be reduced to writing settled upon so far as this court and your honor has power to settle it. The statutes of the United States, section 102, provides as follows: "The officer shall cause the testimony of the witness, together with the questions, to be reduced to writing in their presence and to be duly attested by the witnesses, respectively." I contend, if your honor please, that the use of a stenographer and the typewriter is one of the methods of reducing testimony to writing, and I therefore contend that your honor has the authority to rule now that the testimony—

Mr. CAMPBELL. Before your honor rules upon that question I wish your honor would let me have the notice that has been served upon the contestee. I wish now, may it please the court, to demur to the sufficiency of this notice, and I wish my demurrer and my rights to be reserved by the court until such time as I may argue it, a little later. I simply ask your honor to note that demurrer and that my rights under that demurrer be observed. I understand that we are to proceed according to some method, and it is confusing in my mind just what methods we are proceeding under. I understand your honor is here under the United States statutes, and I suppose that we have some rights and he is here to hear some question that may be presented under that statute, and he has some authority to preserve the demurrer to be presented the Congressional committee at Washington, and for that reason I rise now to demur to its insufficiency, although it is not in my mind sufficiently proved yet.

Mr. MALLEY. I presume that under almost any system of law that is now in order anything in the nature of a demurrer must always be filed before the answer to the merits is filed. As much as the gentleman by his default has put himself beyond the pale of even filing an answer, I cannot see why now he is in the position of filing or offering anything in the nature of a demurrer, and for that reason I think he has no—

The COURT. I understand, Mr. Campbell, you object for reasons that you intend to express later. I note your objection.

Mr. CAMPBELL. I intend to present them later.

Mr. MALLEY. I should like also to fix about an objection to the noting of an objection at this time made upon the ground that Mr. Campbell offers it in the nature of a demurrer, and that as the time for filing an answer has expired, the time for filing any special plea must necessarily have expired before the answer to the merits has expired. I would like to have that go into the record.

The COURT. Mr. Campbell demurs to the sufficiency of the notice, and he wishes to be heard later upon the ground, and Mr. Malley objects to the filing at this time.

Mr. CAMPBELL. Now, it seems to me, in order to start this thing properly and that we may come to some definite disposition as to what we are going to do and the method in which we are going to take this evidence, it seems to me the first question to be determined in this case is as to whether the parties have lived up to the terms of the statute. There is some doubt as to whether a sufficiency of notice has been served upon John A. Keilher. The purpose of this demurrer of ours to the notice of the contestant, Joseph A. Conry, is this: In section 105, United States, when any person intends to contest an election, etc., it is plainly stated that the notice shall be given within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same. Now, we have got in the city of Boston a board of election commissioners, authorized under an act of the State. And section 267 of the Massachusetts statutes says the register of voters, or in Boston the election commissioners, shall give notice in writing, etc. This election was held upon the 4th day of November, 1902. The ballots were brought from the various booths in the city to the officers of the board of election commissioners.

Mr. MALLEY. Do I understand that Mr. Campbell is testifying now? He is arguing upon facts which are not in evidence.

Mr. CAMPBELL. There has been presented to this court a notice filed by the contestant; that notice has been certified to as having been delivered to the contestee on December 24, 1902. Now, that is some evidence produced here. It is evidence that this notice has been served. We say that this notice has not been served. If it has been served it must be served under the statute. We say it has not been served.

THE COURT. How does that concern the introduction of testimony? At the present time it seems to me that I am to sit here to hear evidence that is offered. So far there has been but one piece of evidence offered. I have noted your objection.

MR. MALLEY. I ask your honor to rule in the nature that until some evidence is produced as to any returns by either side the question of the legality of the time of the notice is not in dispute. I shall prove it by the secretary of state if Mr. Campbell desires it. I have a certified copy of the returns of the commissioner—the returns of votes for State officers or for Congress and other officials in the Commonwealth of Massachusetts which was issued by the secretary of state in compliance with the vote of the council on November 26, 1902. If Mr. Campbell objects to this in form I offer it now as a certified copy. I will state at this time that I shall prove it by the secretary of state.

(Mr. Malley reads paper.)

Paper offered as Exhibit 2.)

MR. CAMPBELL. Now, may it please the court, that certificate, I understand, issues and is presented as evidence under section 105 of the United States statutes.

MR. MALLEY. I wish here to suggest, in order to save time, does not Brother Campbell think that is a question to argue before the committee who has power to decide such questions. I understand he is sitting here as a court of record—he might well have said as a notary—to hear the testimony taken in his presence and note any objections made at the time. Therefore, for that reason, while my brother Campbell's remark may be very much to the point or not, as one views it, I think it is entirely unnecessary at the time and is nothing to do with the case at this time.

MR. CAMPBELL. I ask that the court sits here under some statute. I don't know whether the court sits under a statute or not. Now, I suppose that your honor sits as a justice of a court of record; I suppose that is why your honor sits here; that is where he derives his power.

THE COURT. It may save a great deal of time if I decline to go into questions of law.

MR. CAMPBELL. It affects all the evidence that is to be produced here. Why should we—

MR. MALLEY. Do I understand that Mr. Campbell is taking two positions here? If he denies the authority of the court, I see no reason why he should—

MR. CAMPBELL. I am asking under what jurisdiction the court sits.

THE COURT. I have noted your objection.

MR. CAMPBELL. To your sitting in this case?

THE COURT. Yes; and that will be transmitted to Washington. I will say now that it will save time if I decline to rule upon any question of law.

MR. CAMPBELL. Then in regard to the question of hearing the witnesses and taking their depositions, do I understand that the court will take the depositions and ask the questions, etc., or do I understand that we have a right to appear here and cross-examine witnesses, and that the attorney for the contestant has a right to ask questions under the statute of the United States? Is that the position this court takes?

THE COURT. It seems to me that might be made a matter of agreement between the counsel. It might be agreed that Mr. Malley call a witness and you should cross-examine him; that the questions put may be reduced to writing.

MR. CAMPBELL. Under the statute it says that depositions, or the party notified as aforesaid, his agent or attorney, may, if he sees fit, select an officer having authority to take depositions in such case to officiate with the officer named. It says in section 120 the officer is the man to examine. There is nothing in that statute which gives me the power to cross-examine or gives him the power to examine. What we wish to know is just what position the court is going to take in that. He is certainly sitting under some law and he has got to certainly hear these witnesses according to some law, and there is the law which says that he, the presiding officer, must ask the questions. I wish to be put right in order that these things may appear, if it is necessary, in a proper light when the case is taken to Washington. That is all. We are not here for any purpose of delay; we are simply here to question what rights we have in this court, and how far this court is going to rule upon evidence that is presented. Can any kind of evidence be presented here? Can I ask any kind of question that I feel like? Is there any limit to the examination? Is the court going to sit and allow questions to be asked, and questions by the attorney for the contestant and by the contestee? Are we going to ask those questions and are we not confined within some limit? Do we go by the law of Massachusetts or by the law of the United States? I wish to know simply just what position and what our rights are before this court, and I claim under the statutes, as far as I can see, that our rights are only—that we can examine nobody; that he can examine nobody. It is for the officer under the statute—it says that the officer must examine the witness. We wish to know just what rules we are going to go by. It is for the con-

venience of this court and for these witnesses—150 witnesses summoned in all. There have been 103 witnesses summoned to appear here to-day, and they have been summoned—their fees have not been paid beforehand. They have some right; they have a right to some consideration. If we start in to examine these witnesses, 103 witnesses may not be heard until the Fifty-eighth or Fifty-ninth Congress and Sixtieth Congress are done away with.

MR. MALLEY. I would like to know if this is a court of record or some place of amusement; and I expect that my rights as a member of this bar shall be protected.

THE COURT. You are protected in your rights.

MR. CAMPBELL. What we wish to do is, we want to confine ourselves to some limit to this testimony. There must be some rule. To put us right, let us know if under that statute your honor feels that he has anything whatever to do but simply to take any kind of testimony irrespective of all law of evidence—take any kind of testimony in this case. I hold that under that that the only one that has a right to take testimony is the officer; the officer is the one to ask the questions. The same as in depositions generally. I would like that thing first decided. We wish to proceed with this evidence, and we wish to proceed properly. We only want our rights maintained. We want simply a fair, impartial hearing of the witnesses called in this case, but it seems to me there ought to be some decision by the officer presiding as to what limit and who is going to take it, and what limit the evidence is going to be confined to. I ask your honor for a ruling upon that.

MR. MALLEY. I think your honor has already passed on the question, so we will proceed with the examination.

THE COURT. It is possible for you gentlemen to agree that the evidence may be taken in this way. There is an official stenographer, I understand, present that can take down the evidence verbatim. Will you agree that that can be done and then on some subsequent day in your presence or the presence of the parties who desire to be there, and in your presence it can be attested by the witness.

MR. CAMPBELL. We wish in the first place to understand what our rights are and what your honor will rule on in regard to the limitation of the evidence. We will agree to have it taken in shorthand when we feel that we are properly protected. We will leave it to you to pick out anybody. If the court will simply decide this question for me then I have another request which I think will only be fair.

MR. MALLEY. If your honor please, in response to my brother's remarks I agree that we shall use a stenographer, selected by the parties or your honor.

MR. CAMPBELL. Do I understand that your honor rules as to who shall take the evidence?

THE COURT. I have asked you if you can agree upon any method.

MR. CAMPBELL. I think we could agree.

THE COURT. Well, can you agree?

MR. CAMPBELL. We may discuss that thing later on.

MR. MALLEY. If my Brother Campbell—

MR. CAMPBELL. For the present I will not agree—for the present—to that proposition.

MR. MALLEY. Then I shall ask—

MR. CAMPBELL. Then I would like to ask how the presiding officer will rule in regard to the taking of testimony.

MR. MALLEY. I refer your honor to section 109. That provides that a notice be served upon the officer, etc. I presume that means the power to examine of the other attorney.

THE COURT. I will make this statement, Mr. Campbell: The statute, it seems to me, gives the attorney for the contestee a right to examine the witnesses. So far as concerning the direct testimony is that the witness may be examined touching all such matters respecting the election as shall be proposed by either of the parties or their attorneys (see, 120). Section 109 gives the privilege of cross-examination, I think.

MR. CAMPBELL. Section 120 says all witnesses should attend in accordance to a subpoena at the time and place appointed for this examination, and shall then and there be examined on oath by the officer who issued the subpoenas, or, in case of his absence, by any other officer who is authorized to issue said subpoenas, or by the officer before whom the depositions are to be taken by written consent, touching all such matters in respect to the election as shall be proposed by either party. As I see that statute it says that they shall be examined by the officer.

THE COURT. On all such matters as shall be proposed by either of the parties or their attorneys.

MR. CAMPBELL. It certainly says there that the officer who issued the subpoenas, or in case of his absence by any other officer who is authorized to issue said subpoenas,

and should be examined touching all such matters respecting the election to be contested as shall be proposed by either of the parties or their attorneys. I understand that that statute means that the officer who takes the oath of witnesses who attend in evidence to that summons at the time and place appointed, that the officer shall be the one to take the examination. I would like to ask your honor how he rules upon it?

THE COURT. I will rule that the officer shall ask the witnesses such questions.

MR. MALLEY. I don't understand there is any question before the court.

MR. CAMPBELL. I simply want to ask that, if this ruling has taken effect, that we wish to have another officer sitting in this case. We wish to do that under this statute. We simply ask in order that we may accomplish that thing—that we may be allowed one-half hour to get the officer here. Under the statutes may it please the court, we, perhaps, have not understood our rights in this matter.

MR. MALLEY. May it please the court, the gentleman has had five days' notice and I do not propose to have my time taken up to assist him in understanding his rights. I ask that the examination proceed.

MR. CAMPBELL. It would be very unfair to proceed with the witnesses here unless we had the officer here.

MR. MALLEY. I should like to go ahead with the examination of the witnesses.

MR. CAMPBELL. I don't believe that is fair treatment.

THE COURT. Now I have made the ruling you ask for. Will you agree that a stenographer may take down the testimony and have it signed?

MR. CAMPBELL. That will depend upon whether we will be allowed time under section 118 in which to get a man here. We have a right to have another man presiding. We will send for the Hon. Josiah Dean and ask him to preside in this court. I ask for the time in which to get him.

MR. MALLEY. I shall object to that. We have wasted over one hour. If he produces an officer qualified to sit with your honor it will be time enough to consider it at that time. I don't for one, as representing Joseph A. Conry, propose to delay taking testimony any longer under my rights. We have listened to an argument for an hour and a half here on a question that has been raised.

MR. CAMPBELL. We are simply here in this matter endeavoring—we believe we have some rights under this statute when appearing before an officer to take testimony. We want to know what those rights are and what this court says those rights are beforehand, and we believe that the court has power and authority to make such ruling.

MR. MALLEY. I ask that the examination go on.

MR. CAMPBELL. We have looked up our own rights. There may be questions asked which either party may desire to cross-examine which are in evidence, and we wish to know whether we can object to that. If we can object to these questions then why, if your honor can decide upon that question, why can't your honor decide upon the rest of the law. He recognizes that statute. He says we have a right to cross-examine. Why can not he recognize the rest of the statutes? We have not looked up the law. We may not be as bright as the attorney for the contestant. And if this court can rule that each party has a right to cross-examine then he has a right to rule upon all the rest of the statute. Why does he except upon that part of the statute.

THE COURT. I merely called your attention to that statute.

MR. CAMPBELL. I thought your honor said we had a right to cross-examine?

THE COURT. The contestee has the right to select another officer for the taking of the depositions. I agree with you that is so. Now, Mr. Malley objects. You ask for a delay for the purpose of bringing another officer. Mr. Malley objects and wants the testimony produced and the case to go on.

MR. CAMPBELL. It is in the power of the court, honestly believing we have some rights. We came over here and simply asked your honor to give us time in which to produce another officer, another justice. We believe we can do so.

MR. MALLEY. This notice was served December 24. That time it was evident a contest was on. Five days ago a time was set for a hearing. At 1 o'clock Mr. Campbell appears and now he proposes to send for another justice and waste another hour. He has wasted his time and our time and I do not propose to agree to wait until the other justice comes. If he comes we will deal with that question when he is here. There is one justice qualified to take this evidence here and I have some witnesses called. I desire to go forward at once.

MR. CAMPBELL. It is within the power of the special justice to say whether he will allow that time or not—it is not for us to agree upon—that we may be properly protected.

Mr. MALLEY. You might as well say you can continue the trial of a case because when it was half through the man had forgotten to summon a witness.

The COURT. It seems to me if that point had been taken care of before the case had begun—I will rule that he may do so. You have the privilege of sending for any officer you wish in this case. I will note your objection, Mr. Campbell. Call your witnesses, Mr. Malley.

Mr. CAMPBELL. Before calling the witnesses I suppose they will be prepared to present to the court the notice certified to by the officer serving the notice upon the witness.

JOHN J. CONRY, called and duly sworn.

By Mr. MALLEY:

Q. What is your name?—A. John J. Conry.

Q. Where do you live?—A. 19 Parker Hill avenue, Roxbury.

Mr. CAMPBELL. I understand this hearing should be taken in longhand. I simply stand upon the law.

Mr. MALLEY. I ask you if you will agree for the purpose of saving time to have this testimony taken down by a stenographer and reduced to writing. Do I understand you refuse to consent to that?

Mr. CAMPBELL. I simply say it is in the power of the presiding justice to say what is to be done.

Mr. MALLEY. Will your honor make a ruling about how the testimony shall be reduced to writing?

The COURT. For the present I will rule that the testimony shall be written in longhand by Mr. Hartnett.

Mr. MALLEY. We agree upon a stenographer, and that request was refused by counsel for contestee. I ask that the same be noted upon the records.

Mr. CAMPBELL. I object to that. It was not refused, your honor, or objected to. I simply stand upon the law in the case.

The COURT. I note the objection.

Mr. CAMPBELL. I suppose that the party appointed to take the hearing should be sworn also. I ask that he be sworn.

(The judge administering the oath to the clerk appointed to take the testimony in longhand, the examination of the witness proceeded.)

Q. What is your business?—A. Constable of the city of Boston.

Q. How long have you been a constable of the city of Boston?—A. Eight years.

Q. Upon my request did you serve a certain notice upon John A. Keliher some time about last December?—A. I think at Mr. Conry's request on December 24 last I served a duplicate copy of this notice on Mr. Keliher.

Q. Was it a duplicate original?—A. Duplicate original copy of this notice.

Mr. CAMPBELL. I see that the clerk is taking the testimony down in lead pencil; I believe it should be taken in ink.

Mr. MALLEY. It is a very frivolous objection. Use anything.

The COURT. Use pen and ink, then.

Q. At the request of Mr. Joseph A. Conry, did you serve a notice upon John A. Keliher on December 24, 1902?—A. I did.

Q. Have you got the original copy that you served?—A. I have a duplicate copy.

Q. Duplicate copy original?—A. Yes.

Q. Is that it you have there?—A. This is it; with my return thereon.

Q. Was that copy compared by you with the duplicate original copy you served upon Mr. Keliher?—A. It was.

Q. And was it in all respects a correct copy?—A. Yes, sir.

Q. And is that the copy you served upon him?—A. No, sir.

Q. Is that a copy of what you served upon him?—A. Yes.

Q. You call it a duplicate original copy?—A. Yes.

Q. Made at the same time?—A. I presume it was.

Q. Both were in your possession?—A. Both were in my possession.

Q. And had been compared one with the other?—A. Yes.

Q. And you found them to be accurate copies, one with the other?—A. Yes.

Q. Where did you serve this upon Mr. Keliher?—A. At the Hotel Bellevue, on Beacon street, Boston, Mass.

Q. Did you deliver it to him in person?—A. I did.

Mr. MALLEY. I now ask your honor to produce the application for subpoenas for witnesses filed by me with you February 19 last.

The COURT. February 19?

MR. MALLEY. Yes; for a hearing to be heard to-day. Would you like to look at that, Mr. Campbell? I merely desire to have that incorporated in the record. I ask that that be incorporated in the record—application to your honor for subpoenas for the witnesses.

MR. CAMPBELL. I object to it.

THE COURT. I note your objection, Mr. Campbell.

(Paper produced and marked "Exhibit 3.")

Q. Now, at my request, Mr. Conry, did you, upon February 19, make any service of a paper containing a notice of the intention to take testimony here to-day?—A. On February 20.

Q. What is that you have in your hand?—A. This is a duplicate copy of the one which I served.

Q. And the original of that you served upon him?—A. I served upon Mr. Keliher. I will read my return.

(Witness reads from paper.)

MR. CAMPBELL. I understand counsel is examining the witness; the counsel should be confined to some law of evidence; that the counsel put the questions and not the witness.

THE COURT. Ask the question, Mr. Malley, you desire to have answered.

Q. Will you answer the last question?—A. "Officer's return. Suffolk, ss. Boston, Mass. By virtue of the within notice I this day made diligent search"—

MR. CAMPBELL. Do I understand this testimony gone into now does not have to be taken by the clerk appointed by this court?

MR. MALLEY. That particular thing does not.

MR. CAMPBELL. I ask the presiding justice to rule upon that question.

THE COURT. You propose to offer that?

MR. CAMPBELL. It has been read by the witness on this stand. Is the clerk here supposed to take that testimony?

THE COURT. I don't think that is necessary.

MR. MALLEY. I offer this with the officer's return thereon.

(Exhibit 4.)

Q. Did you afterwards have any talk with Mr. Keliher as to his place of abode?—A. On the day of the service of this notice, that was the only reason I had for serving it at 43 Albion street.

MR. CAMPBELL. What has that to do with this case?

MR. MALLEY. On describing how it was a proper service, to avoid any further objection that might be raised by Mr. Campbell.

THE COURT. I will allow the question and note your objection, Mr. Campbell.

MR. MALLEY. If Mr. Campbell will admit receiving that notice we will have no further objection.

Q. Did you have any talk subsequent to that date in the Tremont Building with Mr. Keliher as to his last place of abode?—A. Yes.

MR. CAMPBELL. I object to that as incompetent for this reason: It is an officer's return. The officer is now making his return to this court. The court has his return in its power. The return has been accepted by this court, and it is not competent for him to be allowed to ask this question.

MR. MALLEY. The object of Mr. Campbell was to get quickly through this matter, and he is now raising a question upon the service of a notice which I propose to show that Mr. Keliher admitted having received to this officer, and I think it is perfectly apparent through this hearing his intention is not to get at the evidence here, but to take as long a time as possible before we get to the witnesses. He is delaying this witness, and I understand two have already been intimidated, for whom we have sought the protection of this court, and we shall have the protection of this court for any others.

THE COURT. The question has been asked and Mr. Campbell objects on the ground that it is not competent. The stenographer will note the objection.

MR. CAMPBELL. Simply note the objection.

THE COURT. I don't rule upon the questions, Mr. Campbell.

Q. What conversation did you have with Mr. Keliher in reference to his residence?—A. At the time of the service of a later notice upon Mr. Keliher in Mr. Campbell's office I had a conversation with Mr. Keliher as to the prior notice—notice that I have stated. He said that he had received the notice all right and that he would receive any that was left there at 43 Albion street, or I could leave it at his office, it would be sufficient.

Cross-examination by Mr. CAMPBELL:

Q. You served this notice on the witnesses?—A. On Mr. Keliher.

Q. On the witnesses that have been subpoenaed. The witnesses you served separately, separate notices on each of these witnesses?—A. I served the notices.

Mr. MALLEY. We have not produced those witnesses.

Mr. CAMPBELL. I understand this is Exhibit 4 and has been presented to the court.

Mr. MALLEY. May I see what the gentleman is speaking about? It has been presented to the court, but I don't see any reference by that as to whether this man summoned these witnesses. I object to that.

Mr. CAMPBELL. I have a perfect right, and I suppose I have the right to cross-examine them. I simply wish to question the witness that is on the stand. I suppose I have a right to do that.

Q. You served this notice and you served separate subpoenas on each and every one of these men?—A. I think they are all on this list. I didn't compare that with the ones I have summoned.

Q. This is a copy you— A. That is a copy of what I served on Mr. Kelliher, not on any witnesses.

Q. You testified— A. That I served a duplicate copy of that on Mr. Kelliher.

Q. Have you served upon these witnesses?—A. I say I think I have served a subpoena on all those witnesses whose names are annexed here. My returns will show.

Q. You don't know for certain?—A. I won't swear that they are all on that list, but I think they are; I think they are all there—something like 117. They might be the exact names of the parties upon whom I have served, but I am not going to swear to any list I simply served a copy of.

Mr. CAMPBELL. It is impossible for us to hear all these witnesses here this afternoon. Now, I think some certain number should be sworn and that the others be allowed to return to their home.

Mr. MALLEY. I object to that.

Mr. CAMPBELL. I don't expect that your honor will oblige us to hear all these hundred witnesses?

The COURT. I see no objection to having them sworn.

Mr. MALLEY. Not all at this time. I ask that Thomas W. McTernan be sworn.

THOMAS W. McTERNAN, being duly sworn, testifies as follows:

By Mr. MALLEY:

Q. What is your name?—A. Thomas W. McTernan.

Q. Where do you live, Mr. McTernan?—A. 15 Ashburton place.

Q. On May 1, 1901, did you live at 26 Pitts street?—A. No, sir.

Q. Did you vote from 26 Pitts street?—A. Yes, sir.

Q. Where were you living on the 4th of March, 1902?—A. 60 Castle street.

Q. With whom did you live there?—A. Mr. Ciefre. Mr. William Ciefre.

Mr. CAMPBELL. Note my objection to that.

Q. Will you spell that name?—A. C-i-e-f-r-e.

Q. Lived with William Ciefre at 60 Castle street?—A. Yes.

Q. Know what ward that is in?—A. No, sir.

Q. You went there to live the 4th of March?—A. Yes, sir.

Q. How long did you continue to live there?—A. Until about the 20th of May.

Q. Then where did you go?—A. I went to the Lord Electric Company, of Salem, N. H., to work.

Q. Describe your movements from that time to the time you returned to Boston.—A. I worked for the Kendall Electric Company, at Salem, N. H., during the summer, and from there I was transferred to Portsmouth, N. H. I worked for them probably nearly all summer, and from there I returned to Boston the 2d day of September. I was then rooming at No. 7 Groton street.

Q. When you went to get registered, to get assessed, describe how it was you got assessed and registered as a voter from 26 Pitts street, who you saw, and who went with you at the time.—A. I was accustomed to go into a barber shop on Green street, and the proprietor asked me if I had been assessed. I told him "no." He told me to make an appointment with William Shanahan that evening or the following evening, and that I should go with him in company with others. I went the following evening and was assessed. First went to city hall and from city hall to registrar's office.

Q. With whom did you go to city hall?

Mr. CAMPBELL. I object to this testimony. How is it material? It is immaterial. It is not confined to the allegations made in the notice to the contestee.

The COURT. The stenographer will take down Mr. Campbell's objection and the reasons he gives.

Q. Will you continue your story? With whom did you go to city hall?—A. John C. Hines, George Hastings, James Drysdale, and myself.

Q. Were you all assessed together?—A. Yes, sir.

Q. Who were the two witnesses that swore that you lived at 26 Pitts street on the 1st of May?—A. William Shanahan and some other person unknown to me.

Q. Some other person unknown to you?—A. Yes, sir.

Q. Did they swear, also, as to the residence of James Drysdale, George Hastings, and John C. Hines?—A. I won't swear to all of them, but some of them I will swear to. I know that they did swear to some of them living there; I can not say just which one of them.

Q. At that time were you familiar with 26 Pitts street?—A. I have known the place for about twelve years.

Q. Did John C. Hines live there in the month of May, 1902?—A. I never saw him have a room there; he used to stop at No. 11 Pitts street.

Q. Did James Drysdale live there to your knowledge?—A. No, sir.

Q. Have you knowledge that he did not live there?—A. He was a clerk at No. 11 Pitts street, and I never saw him room there.

Q. Did George W. Hastings live at 26 Pitts street in the month of May?—A. I could not answer that.

Q. What is your knowledge about that?

Mr. CAMPBELL. I suppose we ought to proceed under some method of law. The man says he don't know; he has no knowledge of it. It seems to me that this question should not be allowed before any court of justice.

The Court. He is asked if he knows, and he says he does not know. I will note your objection, Mr. Campbell.

Q. Do you know who keeps the house at No. 26 Pitts street?—A. Yes, sir.

Q. Will you say who it is?

Mr. CAMPBELL. I object to all this evidence taken.

The Court. I note the objection of Mr. Campbell. This is a general objection to this testimony.

Q. Who keeps the house?—A. Family named Shanahan.

Q. Man and woman living together or a woman?—A. A woman, Mrs. Shanahan.

Q. What is she called in the street?—A. Mother Shanahan.

Q. What kind of a place does she keep there?—A. Keeps only a simple home.

Q. How many rooms are there there?—A. Not over five or six.

Mr. CAMPBELL. I object seriously to the prompting of this witness. There is a man sitting here who is prompting this witness. I believe the court should take some cognizance of that.

Mr. MULLEN. I might remark at this time that there will not be any intimidation of these witnesses.

The Court. There shall be no prompting or intimidation of witnesses.

Q. Were you registered at the office of the board of election commissioners of the city of Boston?—A. Yes.

Q. When was that?—A. Twenty-fifth day of September.

Q. And where did you register from as your residence?—A. 26 Pitts street.

Q. At that time—that was in September?—A. Yes.

Q. At any time in your life did you ever live at 26 Pitts street?—A. No, sir.

Q. Did you upon election day, November 4, vote at the election held to elect a United States Congressman from the Ninth Massachusetts Suffolk district?—A. Yes, sir.

Q. In coming back, Mr. McTernan, to the time after you got registered, did you have any talk about getting registered with one Martin Lomasney?—A. Yes, sir.

Q. About when was that and what was the talk?—A. The night I was registered.

Q. What did you say to Mr. Lomasney?—A. I told him I was afraid to go, and he said, "Go ahead with Mr. Shanahan."

Q. You told him you were afraid to go?—A. Yes.

Q. Did you tell him why you were afraid to go?—A. Told him I would get in trouble.

Q. Did you tell him why you were afraid to get in trouble?—A. For illegal registration.

Q. What did he say in reply?—A. He told me to go ahead, he would see me all right.

Q. Where was this you saw Martin Lomasney?—A. At the Hindricks Club.

Q. You voted upon election day, and then how long did you remain in Boston after that?—A. About three weeks.

Q. Where did you continue to live?—A. In Providence part of the time.

Q. Before you left Boston where did you continue to live after election day?—A. 7 Groton street.

Q. What time did you vote upon election day?—A. About 3.30.

Q. Had you been working that day?—A. Yes, sir.

Q. Where did you work?—A. At Mr. Gridley's restaurant.

Q. Where is Mr. Gridley's restaurant?—A. Williams court, commonly called Pie alley.

Q. In Newspaper row?—A. Yes; around that district.

Q. What time did you get through work?—A. Two o'clock exactly.

Q. Where did you go then?—A. I met a friend of mine and we went down toward Staniford street.

Q. And is there a voting booth on Staniford street?—A. Yes, sir.

Q. What did you do when you got to Staniford street?—A. I was accosted by Mr. Kiley on Staniford street and asked if I had voted.

Q. Can you give the full name of this Mr. Kiley?—A. Representative from Ward 8.

Q. You know his name?—A. Yes.

Q. What is his name?—A. Daniel J. Kiley.

Q. What was the conversation that took place between you?—A. He asked me if I had voted, and I told him no.

Q. He asked you if you had voted?—A. Yes, sir.

Q. And you told him no?—A. Yes, sir.

Q. What next was said?—A. He passed me \$2 and told me to vote for Keliher.

Q. Will you continue? He gave you \$2, and then you did what?—A. I went in and voted on my own name.

Q. Did he have any conversation with you with reference to voting on anybody else's name?—A. Yes, sir; later, at the corner of McLean and Blossom streets.

Q. I understand you went in and voted on your own name in this booth?—A. Yes.

Q. Then you came out and went to the corner of McLean and Blossom streets?—A. Yes.

Q. Describe what took place there.—A. The same party was with me at the time and a party named McCarthy.

Q. What is the full name?—A. Jeremiah McCarthy.

Q. What is his business?—A. He works in a grocery store. He asked me if I had voted, and I said yes. He said each time I would go to vote I should get a dollar. He asked me to go and vote on the name of Thomas Reagan, of 32 Allen street.

Q. Did he say why?—A. Said he was in the hospital sick.

Q. Thomas J. Reagan was in the hospital sick?—A. Yes, sir.

Q. What did you reply?—A. I told him I was afraid to.

Q. What did he say in reply to that?—A. He didn't say anything at all. I went away.

Q. Whether or not he told you who to vote for?—A. No, sir; he did not.

Q. Will you describe just what was said up near the booth?—A. Then Mr. Kiley told—

Q. What Mr. Kiley is this?—A. Daniel J. Kiley. He offered this other party with me—

Q. Speak up loud.—A. Mr. McCarthy spoke to Mr. Kiley when I refused to vote, and Mr. Kiley said I need not be afraid; that he has the officers and men behind the rail with him.

Q. Where was Mr. Kiley at that time?—A. Standing at the booth.

Q. On Staniford street?—A. No, sir; Blossom and McLean streets. He told me I need not be afraid, as he had the officers and men behind the rail with him.

Q. Did he give you any other name to vote on?—A. No, sir.

Q. Was that all that was said between Mr. Kiley and yourself?—A. Yes, sir.

Q. Did you go in and vote on the name of Thomas J. Reagan?—A. No, sir.

Q. Have you made any inquiry since as to whether Thomas J. Reagan was sick at that time?—A. No, sir; I did not.

Q. Do you know whether or not his name was voted upon?—A. No, sir.

Cross-examination by Mr. CAMPBELL:

Q. Where did you live on the 1st day of May, 1902?—A. 60 Castle street.

Q. Where did you live six months previous to that?—A. In the house of correction.

Q. What were you in the house of correction for?—A. Larceny.

Q. Of what?—A. Watch.

Q. From whom?—A. I don't know.

Q. Where was the larceny made?—A. On South Margin street.

Q. City of Boston?—A. Yes, sir.

Q. And was it taken from the person of a man or woman?—A. Man.

Q. Was it taken from the person of a man or a woman?—A. Man.

Q. Was it an old man or a young man?—A. Middle-aged man.

MR. MALLEY. I shall object to this. We have not time to inquire into all the crimes committed by the voters of Ward 8.

THE COURT. I note the objection of Mr. Malley.

Q. Was the person from whom you took the watch sober at the time?—A. Yes, sir.

Q. Was there anybody with you at the time?—A. No, sir.

Q. How long did you serve in the house of correction for that offense?—A. Six months.

Q. Was it six months previous to May 1, 1902, you were in the house of correction?—A. Yes, sir.

Q. Where did you say you lived on May 1, 1902?—A. 60 Castle street.

Q. Did you vote from 60 Castle street?—A. No, sir.

Q. Did you vote upon November 4, 1902?—A. Was that the last election—the State election?

Q. Yes.—A. Yes, sir.

Q. Where did you vote?—A. At Staniford street.

Q. Staniford street?—A. Yes, sir.

Q. What place on Staniford street?—A. Right near the corner of Lyman street.

Q. And you received a ballot before you went into the box?—A. Yes.

Q. Know from whom you received it?—A. No, sir.

Q. Did you receive it from one of the officers of the booth?—A. Yes, sir.

Q. And you went in and voted?—A. Yes, sir.

Q. And notwithstanding the fact that you were living in 1902, six months previously to May 1 of 1902—notwithstanding the fact that six months previous to 1902 you were in the house of correction?—A. Three months previous to 1902.

Q. I thought you told me, in answer to my question as to where you resided six months previous to May 1, 1902, that you told me that you were at the house of correction? Is that right?—A. Yes; that is right.

Q. And on May 1, 1902, you were living at 60 Castle street and were not a voter from the district from where you voted?—A. No, sir.

Q. You knew that before you went into the booth?—A. Yes, sir.

Q. You knew you were committing a crime?—A. Yes, sir.

Q. And notwithstanding that knowledge you went in and voted?—A. Yes, sir. I was promised protection by Mr. Lomasney.

Q. Notwithstanding that you went in and voted?—A. Yes, sir.

Q. You said you had a conversation with one Kiley?—A. Yes, sir.

Q. And that Mr. Kiley offered you \$2?—A. He gave me \$2.

Q. He gave you \$2?—A. Yes.

Q. Did you take it?—A. Yes, sir.

Q. For what purpose did you take it?—A. Well, because it was handed to me. Nobody would refuse money if it was offered to them.

Q. Just because it was handed to you?—A. Yes.

Q. What did you do with that \$2?—A. Spent it.

Q. What did you spend it on; can you recollect?—A. Went into a lunch room and had dinner, helped to pay my room rent, and little sundry things I needed.

Q. Did you ever do any work for Mr. Kiley?—A. Yes, sir.

Q. When and where did you work for him?—A. Two days. I don't remember when it was.

Q. Where?—A. It was on Hancock street.

Q. In Boston?—A. Yes, sir.

Q. What was the nature of the work?—A. I asked him if he would give me a light job, and he put me picking up heavy bricks.

Q. And how long did you work for him?—A. Two days.

Q. And did you work for him after that?—A. No, sir.

Q. Not at any time?—A. No, sir.

Q. Where do you live now?—A. 15 Ashburton place.

Q. How long have you lived at Ashburton place?—A. Since Tuesday night.

Q. Since last Tuesday night?—A. Yes.

Q. Where did you live previous to that?—A. Providence, R. I.

Q. Were you summoned in this case?—A. I saw my name in the Boston Journal.

Q. And did you receive a summons from any officer or any court?—A. No, sir.

Q. Receive a summons of any kind?—A. No, sir.

Q. And you appear here voluntarily?—A. Yes, sir; voluntarily.

Q. You did not appear here at the request of Martin M. Lomasney?—A. No, sir.

Q. You didn't appear here at the request of Daniel J. Kiley?—A. No, sir.

Q. The people to whom you have referred in your testimony?—A. No, sir.

Q. You appear here at whose request?—A. Nobody's but my own.

Q. But your own?—A. Yes, sir.

Q. Have you been paid a witness fee for attending here?—A. No, sir.

Q. Have you been tendered the mileage for travel?—A. No, sir.

Q. Have you received in any way any compensation for appearing here?—A. No, sir.

Q. Have you received the promise of a job from anybody for appearing here?—A. No, sir.

Q. What time did you start for this court to-day, if you started to-day?—A. Started at 12 o'clock.

Q. At 12 o'clock?—A. Yes, sir.

Q. From where did you start?—A. I started from Bowdoin square.

Q. Was there anybody with you?—A. Yes, sir.

Q. Who was with you?—A. There was a party with me; I don't know where he went to.

Q. Who was he?—A. I don't know.

Q. Where did you meet him?—A. On the street.

Q. How did you happen to meet him?—A. I knew him to speak to.

Q. You knew him? You didn't know him at first?—A. He is not here now that I can see.

Q. Did I ask you whether he was here now or not?—A. No, sir.

Q. I asked if you knew who he was. Do you know who he was?—A. I only knew him by sight; I don't know his name.

Q. I think you said you knew him?—A. I knew him by sight, and not his name.

Q. Did you have any conversation with him?—A. Yes, sir.

Q. You didn't know his name?—A. No, sir.

Q. And you spoke to him?—A. Yes.

Q. What did you say to him?—A. Speaking on general subjects that came along.

Q. What were the subjects?—A. Can't recollect all of them.

Q. Tell us whatever you can.—A. Talking of the present case, for instance.

Q. About what?—A. The present case.

Q. What did you say about the present case?—A. Simply told him I was going over here, and I don't remember just what I did say.

Q. How long ago was that, you say—12 o'clock?—A. Yes, sir.

Q. You can not remember what you say to him within three or four hours?—A. I can not remember anything.

Q. You can remember back to the conversation of over six months ago that you had with Mr. Kiley?—A. Yes, sir.

Q. About the time of election?—A. Yes, sir.

Q. You can remember that?—A. Yes, sir.

Q. That dates back to the 4th day of November last?—A. Yes, sir.

Q. You remember all that?—A. Yes, sir.

Q. You can not remember what the conversation was with a party who you now say you know by sight within the last four hours?—A. There was another party with me. I was not speaking to him all the time. I hardly said, probably, twenty words to him coming over the ferry.

Q. Who was the party with him?—A. I don't know.

Q. You met him coming over on the ferry?—A. Yes, sir.

Q. I thought you said you met him at Bowdoin square.—A. I met the party that was on the ferry.

Q. Didn't you say the party was with you and the other party spoke to him and you could not remember the conversation because you only spoke a little with him?—A. The party we met we met on the ferry; the party I met I met at Bowdoin square.

Q. I asked you what you say about the party you met at Bowdoin square.—A. Yes, sir.

Q. And you said, did you not, that you didn't remember everything you said?—A. No, sir.

Q. That you were not talking to him all the time; that he had another person and he was talking with the other person?—A. Yes, sir; the fellow we met was at the ferry.

Q. I asked you where you met this person.—A. Yes, sir.

Q. You said you met him at Bowdoin square.—A. Yes, sir.

Q. I asked you if you knew him.—A. Yes, sir.

Q. You said you didn't know him only by sight.—A. Yes, sir.

Q. I asked you if you had any conversation with him.—A. Yes, sir.

Q. And you said that you did.—A. Yes, sir.

Q. I asked you what that conversation was about.—A. Yes, sir.

Q. And you said that that conversation was about various matters and about this contest.—A. Yes, sir.

Q. I asked you what else was said, and you said that you were not talking to him all the time; that there was some party with him, and that he was talking to somebody with him. Is that correct?—A. Yes, sir.

Q. Then he was at Bowdoin square at the time?—A. Yes.

Q. And the party he was talking to was with him?—A. Not at Bowdoin square.

Q. You have just testified. Do you wish to withdraw it now? Didn't you just testify that this man was with him at Bowdoin square?—A. No, sir; I didn't. We met this other fellow at the ferry.

Mr. MALLEY. I would suggest that my brother talk as slow as the longhand man can write. It is his own selection to have it written in longhand.

Mr. CAMPBELL. I simply asked for the law to be dealt out in this court.

Q. Do you say now that you had no conversation with this other party?—A. No, sir; I don't say anything of the kind. We spoke to each other socially coming across the ferry.

Q. Did you have any conversation with the other party that was with the party that you met at Bowdoin square?—A. Yes; simply passed the time of day with him. He didn't speak a dozen words with me.

Q. You did have a conversation with this other party?—A. Yes; a little; not much.

Q. What was the conversation?—A. There was a tugboat—a ship going down with a tug, and we were speaking about that; speaking about a ship that was being towed in up near the navy-yard.

Q. What did he say about the ship?—A. He said nothing in particular; just looking at it. He asked me if I knew where the *Thomas W. Lawson* was—where it laid—and I read in the paper—

Q. Did you have any conversation with him about this contest?—A. No, sir.

Q. You are aware that you are confessing to a crime?—A. Yes, sir.

Q. Did you have any conversation with a man named Brennan?—A. Don't know him.

Q. You don't know a man named Brennan?—A. Not by that name. I may know him by sight.

Q. You don't know a man by that name?—A. No, sir.

Q. What time did you arrive at this court to-day?—A. I should think it was about five minutes to 1. I left the American House after having dinner.

Q. Left the American House?—A. Yes.

Q. What time did you have dinner?—A. I am not sure what time it was.

Q. About what time?—A. I should judge about twenty minutes of 2. Somewhere around there.

Q. So you didn't start from Bowdoin square to come here at 12 o'clock?—A. Yes, sir.

Q. Did you come here?—A. Not directly from Bowdoin square.

Q. You didn't say that in your testimony before, did you?—A. I started to leave Bowdoin square for here at 12 o'clock.

Q. And you stopped on the way and went to the American House and had dinner?—A. Yes, sir.

Q. What time did you get to the American House?—A. I could not tell you.

Q. How do you know you arrived at twenty minutes to 2?—A. It was 12.30 when I was in the subway.

Q. 12.30 when you were in the subway?—A. Yes, sir.

Q. What part of the subway were you in?—A. Scollay square.

Q. Scollay square?—A. Yes, sir.

Q. And where did you come from just previous to going to Scollay square?—A. Came from my home.

Q. Came from your home?—A. 15 Ashburton place.

Q. Whereabouts is Ashburton place?—A. Opposite the state house.

Q. Opposite the state house?—A. Yes, sir.

Q. And what direction did you take when you started from Ashburton place to go to the subway?—A. I went through the new court-house.

Q. Went through the new court-house and came out on to Pemberton square?—A. Yes, sir.

Q. And went down Pemberton square into the subway?—A. No, sir.

Q. Where did you go?—A. Took a little walk around the Common.

Q. What time did you get down to the Common?—A. Didn't have my watch with me. I didn't know just what time it was.

Q. You were arrested for stealing a watch, were you not?—A. You have that in evidence.

Mr. MALLEY. I would like to ask the court to rule on that. I object to that question as having no bearing upon anything.

The COURT. I note Mr. Malley's objection.

Q. You confessed here you stole a watch?—A. Yes, sir.

Q. You were arrested for the larceny of a watch?—A. Yes.

Q. You didn't have it on your person at that time?—A. No.

Q. What became of that watch?—A. I don't know anything about it.

Mr. MALLEY. I object to this line of questions.

The COURT. I note the objection of Mr. Malley.

Mr. MALLEY. I should like to have it spread on the record that there is an intention on the part of the attorney for the contestee to delay this hearing, for the purpose of showing the authorities in Washington.

Mr. CAMPBELL. We wish to show simply and solely the evidence that is produced in this court, the character of the evidence, and we think we need have no fear of a result in Washington. The first witness that is put upon this stand is a self-confessed criminal.

Q. And you don't know what time it was you were on Boston Common?—A. No, not exactly; no, sir.

Q. What time do you think it was when you were on Boston Common?—A. I should judge about quarter past 12.

Q. And where did you go from Boston Common?—A. I went up from the Common on School street to Tremont street and stayed in the lobby of Austin & Stone's Museum until I went to the subway.

Q. Until about twenty-five minutes after 12 you went up to Austin & Stone's and stayed there in the lobby for how long?—A. I consumed that time walking from the Common up to the lobby.

Q. From fifteen after 12 until twenty-five minutes past 12 you consumed in walking from the Common to Austin & Stone's?—A. Yes.

Q. Where did you go from there?—A. I went to the subway.

Q. You went to the subway?—A. Yes, sir.

Q. What part of the subway?—A. Scollay square.

Q. You went to Scollay square?—A. Yes, sir.

Q. Didn't you just testify that you went from Bowdoin square—you went from Austin & Stone's to Scollay square?—A. Yes, sir.

Q. Didn't you just testify that you went from Ashburton place to Scollay square through the new court-house?—A. Yes; I said I went on to the Common.

Q. From where to the subway?—A. From Austin & Stone's.

Q. Did you say you went through the court-house?—A. Yes, sir.

Q. Into the subway?—A. No, sir.

Q. You said you went down?—A. Also over to the Common.

Q. And got back to Austin & Stone's about twenty-five past 12, and from there you went into the subway?—A. Yes, sir.

Q. At Scollay square?—A. Yes, sir.

Q. Twenty-five minutes after 12?—A. Yes, sir.

Q. And where did you go from there?—A. I took the train for Atlantic avenue.

Q. Train for Atlantic avenue?—A. Yes, sir.

Q. In what time did you go down to Atlantic avenue? Where did you go to Atlantic avenue?—A. East Boston Ferry.

Q. What time did you get down to the ferry?—A. Few minutes after I went into the subway.

Q. Was it 1 o'clock?—A. I don't know; I didn't look at any clock in particular.

Q. You knew you left at twenty-five minutes after 12, didn't you?—A. Yes, sir.

Q. And went from the subway down to the ferry on Atlantic avenue?—A. Yes, sir.

Q. How long do you think it took you to get at your destination?—A. It could not have taken me over ten or fifteen minutes to get to Atlantic avenue.

Q. Took you ten minutes to get there?—A. May be fifteen.

Q. Well, fifteen minutes?—Yes, sir.

Q. And that was some place about twenty minutes or quarter to 1?—A. Yes, sir.

Q. And you got off at the ferry?—A. No; I got off at the station in front of the ferry.

Q. What ferry?—A. East Boston ferry.

Q. North or South ferry?—A. I don't know; I am not acquainted over here.

Q. Was there anybody with you during this trip?—A. No; nobody with me then.

Q. Nobody with you after you went in the subway?—A. Yes; the gentleman I met at Bowdoin square was with me.

Q. He was with you?—A. Yes.

Q. When you went into the subway?—A. Yes, sir.

Q. What time did you take the ferry to come over here?—A. Immediately after leaving the train.

Q. Did you notice there was a clock upon the ferry house?—A. No, sir.

Q. Do you know what boat you took over?—A. No, sir.

Q. What time it started?—A. No, sir.

Q. It was nearly 1 o'clock?—A. No, sir.

Q. It was not?—A. I don't know.

Q. Don't know?—A. No, sir.

Q. Well, you got over here to East Boston?—A. Yes, sir.

Q. What time did you get here?—A. I don't know, sir.

Q. What time did you get in this court?—A. I didn't look at the clock, sir.

Q. What is that?—A. I don't know.

Q. Didn't you just testify you got here at ten minutes to 2?—A. Probably, might have been five minutes to 2.

Q. Didn't you testify that it was ten minutes to 2?—A. No, sir.

Q. Did you get here about five minutes to 2?—A. Somewhere around there. I would not swear to it. I am not positive.

Q. You came directly from your house on Ashburton place, went through the court-house down toward the Common? You came back from the Common to Austin & Stone's?—A. I forgot to mention—

Q. You mentioned Austin & Stone's? You went into the lobby?—A. Yes.

Q. And then from there went back to Scollay square to the subway, took the train at the subway, arrived at the station, arrived at the ferry house, and got over here at five minutes to 2, or ten minutes to 2?—A. Yes, sir; some place around there.

Q. Where did you get your dinner?—A. American House.

Q. Will you testify you got your dinner at the American House?—A. Yes, sir.

Q. What time?—A. I could not say.

Q. Did you say a few minutes ago that you had your dinner down there at about 12:30?—A. No, sir.

Q. What time did you have your dinner?—A. I don't know. Didn't notice the time in particular.

Q. Did you have it this morning?—A. Had it around noon time.

Q. Around noon time?—A. Yes, sir.

Q. What do you call around noon time?—A. Between 12, 1, and 2 o'clock.

Q. Some time between that?—A. Yes, sir.

Q. You don't know exactly when you had it?—A. No, sir.

Q. As a matter of fact, you didn't have any dinner at the American House, did you?—A. Yes, sir; positive about it.

Q. Do you know the man that waited on you?—A. Yes, sir.

Q. What was his name?—A. I don't know his name, but I can pick him out.

Q. How much did you pay for your dinner?—A. Thirty cents.

Q. Did you pay it out of your own pocket?—A. Yes, sir.

Q. Where did you get the money?—A. Where did I get the money?

Q. Yes.—A. Had it right along.

Q. Where did you get it?—A. Earned it. Saved up money I had last fall working for the Lord Electric Company.

Q. What do you mean by last fall, what time?—A. The 2d day of September.

Q. You saved that 30 cents since the 2d day of September down till sometime to-day?—A. I saved more than 30 cents. I worked for it.

Q. You got some money when working?—A. Yes, sir.

Q. You got some money for work?—A. Yes, sir.

Q. Where did you work?—A. In Providence, R. I.

Q. What place?—A. John R. Keliher's tinsmith place.

Q. What is his middle initial?—A. John R.

Q. That was a tinsmith shop?—A. Yes, sir.

Q. How long did you work there?—A. I worked there off and on since I lived there, about two months.

Q. From September 2?—A. Yes, sir.

Q. November 2?—A. Three weeks after November 2.

Q. Until what date?—A. Until last Tuesday night.

Q. Last Tuesday night?—A. Yes, sir; I left there last Tuesday night.

Q. You know this is February 27?—A. I mean I left Providence last Tuesday. Two months I had worked there.

Q. How long did you work for this John R. Keliher in Providence?—A. I told you two months.

Q. From September 2?—A. Yes, sir.

Q. That brings it down to November 2?—A. Yes, sir.

Q. You left there on November 2?—A. I don't know just what date I did leave.

Q. You said you left in two months after?—A. I worked for him two months.

Q. Where is John R. Keliher's place of business?—A. On Westminster street.

- Q. In Providence, R. I.?—A. Yes.
- Q. What number?—A. I don't really know the number. Right near the square.
- Q. Right near what square?—A. I don't remember the square. Near North Market street. Right along there somewhere.
- Q. After you left John G. Keliher's place of business in Providence, R. I., where did you go?—A. I went to New York.
- Q. To New York?—A. Yes, sir.
- Q. How long did you stay in New York?—A. I was a couple of weeks there.
- Q. How did you go to New York, by train or boat?—A. Went by boat.
- Q. Did you pay your fare?—A. Yes, sir.
- Q. Was there anybody with you when you went to New York?—A. No, sir.
- Q. Didn't you go to New York with somebody?—A. No, sir.
- Q. You went alone?—A. Yes, sir.
- Q. For what purpose did you go to New York?—A. Just merely my own inclination.
- Q. Just for pleasure?—A. Yes, sir.
- Q. Was there an election over there at that time?—A. No, sir.
- Q. How long did you stay there?—A. Two weeks.
- Q. Where did you go from there?—A. I came back to Boston, and stayed here a while to see my wife.
- Q. You came to Boston?—A. Yes.
- Q. Are you a married man?—A. Yes, sir.
- Q. Where does your wife live?—A. I could not tell you.
- Q. Where does she live?—A. I don't know.
- Q. Are you separated from your wife?—A. Yes, sir.
- Q. How long have you been separated from your wife?—A. About five or six months; pretty near seven.
- Q. Five or six months you have been separated from her?—A. Yes, sir.
- Q. And you don't have any correspondence with her?—A. I write to her; yes, sir.
- Q. You write to her?—A. Yes, sir.
- Q. And still you are separated from her?—A. Yes, sir.
- Q. Do you meet her, talk with her?—A. No, sir.
- Q. You don't?—A. No, sir.
- Q. You have not since you were separated?—A. Yes, sir.
- Q. When did you last talk with her?—A. I seen her night before last.
- Q. Don't know where she is?—A. No, sir. She is in Boston. I don't know her address. Write to general delivery when I write to her.
- Q. Didn't you see her?—A. Yes, sir.
- Q. Where?—A. Met her in Post-Office square.
- Q. When?—A. Night before last.
- Q. Was it by appointment?—A. No, sir.
- Q. How did you happen to meet her, accidentally?—A. Yes, sir.
- Q. Did you have a conversation with her?—A. Yes, sir.
- Q. And when did you see her previous to that and have a conversation with her?—A. After I left Boston.
- Q. Previous to last night?—A. Not until after election.
- Q. Not until after election, not until after the 4th of November?—A. No, sir.
- Q. And after election when did you see her?—A. Not before last night.
- Q. That is the only time since election?—A. Yes, sir.
- Q. What do you mean by after election. Do you mean by that after the 4th of November, 1902?—A. Yes, sir.
- Q. That was the election, the State election in this city?—A. Yes, sir.
- Q. That you refer to?—A. Yes, sir.
- Q. And that was the last time you saw her?—A. Yes, sir.
- Q. Now, you went over to New York, you say, alone?—A. Yes, sir.
- Q. That was after you left Keliher's in Providence?—A. Yes, sir.
- Q. Now, do you recall when you arrived in New York?—A. It was in the morning. I don't know just what day it was.
- Q. Will you say in what month?—A. It was the latter part of January, I think it was.
- Q. The latter part of January you went over there?—A. Yes, sir.
- Q. When before the latter part of January were you in New York?—A. About a year ago.
- Q. About a year ago?—A. About a year ago.
- Q. About a year ago?—A. Yes, sir.
- Q. So that you did not go in September, October, or December to New York?—A. No, sir.
- Q. Or November?—A. No, sir.

Q. When you got through with your work for Mr. Keliher, of Providence, R. I., where did you go then?—A. New York.

Q. You went to New York?—A. Yes, sir.

Q. When did you get through?—A. The latter part of January.

Q. The latter part of January?—A. Yes, sir.

Q. When did you go to work for Mr. Keliher?—A. About the last part of November, about the 28th of November.

Q. Twenty-eighth day of November?—A. Yes, sir.

Q. Didn't you testify here a few minutes ago that you went to work for Mr. Keliher, of Providence, R. I., on the 2d day of September, 1902?—A. No, sir.

Q. You say now that you did not so testify?—A. No, sir.

Q. That it was the last part of November?—A. The last part of November; yes, sir.

Q. Where were you in September last?—A. I just left the Lord Electric Company, Portsmouth, N. H.

Q. Portsmouth, N. H.?—A. Yes, sir.

Q. And you were working at Portsmouth, N. H., how long for the Lord Electric Company?—A. Well, I worked for the Lord Electric Company about two months and for the Kendal Electric Company about three months.

Q. What is the name of it?—A. The Kendal Electric Company.

Q. Where is that?—A. No. 2 Oliver street.

Q. Where?—A. Boston.

Q. I am asking you now where you worked in Portsmouth, N. H.—A. Where I worked in Portsmouth?

Q. Yes.—A. Why, in Portsmouth.

Q. What was the name of the concern?—A. The Lord Electric Company.

Q. Now, I ask you how long you worked for the Lord Electric Company?—A. About two months.

Q. About two months?—A. Yes, sir.

Q. When did you leave there?—A. The 1st day of September; I came here the 2d day of September.

Q. You left them the 1st day of September?—A. Yes, sir.

Q. And came here the 2d day of September?—A. Yes, sir.

Q. Where have you been working since the 2d day of September up to the 1st day of October, if you were working?—A. Mr. Gridley's restaurant.

Q. Mr. Gridley's restaurant?—A. Yes, sir.

Q. You are positive you were at Mr. Gridley's restaurant working on September 2d, 1902?—A. Yes, sir.

Q. How long did you work there?—A. Until about three weeks after election.

Q. That was, you worked there until some time around the 25th. By election, you refer to the election in this State; that was about the 25th of November or so?—A. The State election; yes, sir.

Q. And you worked for Mr. Gridley to what time?—A. I worked for Mr. Gridley until about three weeks after election.

Q. Up to November 25?—A. Yes, sir.

Q. And where was Mr. Gridley's restaurant?—A. On Williams court.

Q. In the city of Boston?—A. Yes, sir.

Q. And after you got through working for Mr. Gridley at Williams court where did you then work?—A. I loafed for pretty near three weeks.

Q. Three weeks?—A. Couple of weeks; I went down to Providence.

Q. When did you go to Providence?—A. About three weeks after election.

Q. And where did you go in Providence?—A. I went to 132 North Market street.

Q. What kind of a place is that?—A. It is a lodging house.

Q. For what purpose did you go there?—A. To hire a room.

Q. Did you go there for the purpose of making that your domicile?—A. Until I could get work.

Q. Until you could get work?—A. Yes, sir.

Q. How long did you stay there?—A. I stayed there until the latter part—until I left my job in Mr. Keliher's place and went to New York.

Q. How long did you stay there?—A. I stayed there the two months I worked for Mr. Keliher.

Q. You went to Providence and hired a room?—A. Yes, sir.

Q. In a lodging house?—A. Yes, sir.

Q. Your wife was not with you?—A. No, sir.

Q. And did you get employment at Providence?—A. Yes, sir.

Q. Where were you employed?—A. At Mr. Keliher's place, Westminster street.

Q. When did you go to work for Mr. Keliher at Providence, R. I.?—A. The latter part of November I went to work for Mr. Keliher.

Q. The latter part of November?—A. Yes, sir.

Q. About what date?—A. I should think about the 25th. Somewhere around there.

Q. The day you left Boston to go there; you got employment that day?—A. No, sir; not exactly that day. A couple of days afterwards; after the 25th.

Q. How long did you work for Mr. Kelihier?—A. I worked there about two months.

MR. MALLEY. I think your honor has some power over the way that a witness should be examined here, and I object.

THE COURT. I have come to this conclusion, gentlemen, the only power given to the officer under the statute is that the examination shall proceed and the questions may be asked touching all such matters respecting the election; I think it is fair to say that that is a rule which common sense as well as law should be applied here; only questions touching such matters respecting the election should be asked.

MR. CAMPBELL. I understood that when I first came into this court and when I asked the judge to rule upon that question, that he said he had no power to limit the scope of the evidence introduced here and that all we had a right to do was to object, and the court has noted objections right along up to the present moment, and has said that he had no power whatever to limit the scope of the evidence; that was the argument I first produced when I first came into this court today, and now I find that the court says that that evidence must be limited; I supposed so myself when I first came into this court—that it should be limited to the scope of the allegations of the notice served upon the contestee in this case—but your honor told me that you did not understand that you had any right to limit this scope of the evidence and that all we could do was object, and I have objected and you have noted the objection; the counsel on the other side has objected and you have noted the objections; you have not in any way tended to limit him in this examination of this witness or the preceding witness; this court told me all he had power to do was to simply note the objections; and against my objection evidence was allowed to go into this case which was not evidence at all consistent with notice served upon contestee in this case; now when we are about to show with the witness upon this stand that he is a criminal witness, and when he is brought here and is placed upon the stand to testify in regard to questions that are stated in the notice served upon the contestee, I am now told that my right to cross-examine is limited.

MR. MALLEY. He was told that ten minutes ago.

MR. CAMPBELL. I was not aware that the court said that I was to be limited in the beginning of this case.

MR. MALLEY. I will only ask for the limit of common sense.

THE COURT. I don't think, as I recollect it, that I made any ruling before on this subject; I should not undertake in any event; I only do so now because Mr. Malley has risen and objected to the question you have made, and I therefore have made this ruling; if any misunderstanding has risen between us I am sorry. I now come to the same understanding of the matter that you yourself possess; I don't see how there is any difference between us on the subject.

MR. CAMPBELL. I objected to the testimony that was offered by the other side, saying that it was not in accordance with the rules of evidence, and notwithstanding that the evidence was allowed to be presented by this court; there was no limitation placed at all upon it—simply subject to my objection; I objected; that settled it, the witness went on to testify; as I now recollect it I understood that the court said that it would note my objection and the testimony might go on.

THE COURT. These particular matters you refer to, I think come within the scope of that clause. They were touching all such matters respecting the election. If this evidence that you are now offering properly touches any or all matters respecting this election it is perfectly proper that it should go in. It is so evident that these particular lines of testimony is not within the scope of this evidence I—

MR. CAMPBELL. Now, here is a witness who is summoned into this court to testify in this contest. Now, what I am doing in my cross-examination, and the only thing I am doing, is attacking the credibility of this witness. Under all rules of evidence I am entitled to attack the credibility of the witness. Under all rules of evidence, and that is what I am doing now, asking to show that the credibility of this witness is below par. Now, I believe that I have a right to go on and question in this manner in order to test the credibility of this witness, and that is all I want to do. I want this evidence to go to Washington, the character of the witness. What credit is Congress going to take in this witness if this is the character of the witness. I want it all to appear, and I have a right to attack his credibility.

THE COURT. The matter does not relate to the contested election case.

MR. CAMPBELL. It relates to the credibility of the witness as part of the matters pertaining to the contest.

THE COURT. I am only discussing the power of the court with you except so far as my ruling applies to this question.

Q. You worked for two months at Providence?

THE COURT. I understand Mr. Malley has made an objection, and I rule that question need not be answered.

MR. CAMPBELL. I understand that the court says that there must be a limit placed upon the evidence produced in this case; do I so understand?

Q. When did you leave Providence, R. I.?

MR. MALLEY. I think that has been asked four or five times.

THE COURT. It has been answered four or five times.

MR. CAMPBELL. I am simply attacking the credibility of this witness. It has been answered.

MR. MALLEY. I don't think we can take up the time to listen to the arguments of Mr. Campbell.

MR. CAMPBELL. I have a right to be heard.

MR. MALLEY. There is a method of taking evidence; it was made up in order to save time, in order to get one officer to take this testimony. He has not asked a single material question of the witness with reference to what was done upon election day. He has been seeking only to delay the matter. He has not asked him anything about Mr. Martin Lomasney or Mr. Daniel J. Kiley.

MR. CAMPBELL. How does Mr. Lomasney have anything to do with this?

MR. MALLEY. I will connect him all right.

MR. CAMPBELL. I don't understand that Mr. Lomasney is in this contest.

MR. MALLEY. I finished my address to the court.

THE COURT. It seems to me, Mr. Campbell, that this witness can and should be questioned only in reference to matters touching this contest. If you ask me for a ruling I will give it, so you may preserve any right. You may give me your objection to this ruling.

MR. CAMPBELL. What do I understand?

THE COURT. The court rules that he may be examined and questioned touching all such matters respecting the election being contested between Mr. Joseph A. Conry and Mr. John A. Keliher.

MR. CAMPBELL. I have no objection whatever to that.

THE COURT. Have you any more questions of this witness?

MR. CAMPBELL. I have; yes, sir. I wish to ask—in the first place may I be allowed to test the credibility of this witness, and ask for a ruling upon this?

MR. MALLEY. I don't understand that the court has to instruct this gentleman how to try a case.

Q. Where were you during the month of November?

MR. MALLEY. I think that has been asked about three times.

THE COURT. You need not answer that question.

MR. MALLEY. There has not been a single minute in this man's life he has not asked three or four times about.

MR. CAMPBELL. You have ruled upon this?

THE COURT. I have ruled on this question.

MR. CAMPBELL. Do I understand that there is to be an argument upon every question that the court rules upon?

THE COURT. No argument as far as I am concerned.

MR. CAMPBELL. I ask your honor then to note my objection to the ruling.

THE COURT. To this particular question? The stenographer will note the objection. The court rules the question out because it does not appear to have relation to the subject-matter in contest whatsoever.

Q. Where were you on the 1st of November, 1902?—A. 7 Groton street.

THE COURT. You need not answer that question. I will rule that out. The stenographer will note Mr. Campbell's objection.

Q. Where were you on the 2d of November?

THE COURT. You need not answer that question. The stenographer will note Mr. Campbell's objection.

MR. MALLEY. I hope we are not going to have an argument on every ruling.

MR. CAMPBELL. I don't wish to continue this examination and be compelled—where was this man some time, at the time of that election? I believe I have a perfect right to show if he was in any other place besides what he has testified.

THE COURT. Have you not asked him this question?

MR. CAMPBELL. I have not.

THE COURT. You have asked the witness several times where he was in November, 1902.

MR. CAMPBELL. I don't recollect that I have. If I have it was because of answers he has given to me which are inconsistent. Your honor rules this question out?

The COURT. Yes.

Q. Do you know the contestee in this case?—A. No, sir.

Q. Did you ever see him; do you know Mr. John A. Keliher?—A. No, sir.

Q. The man who has been elected to Congress the last election?—A. No, sir.

Q. Who was elected?—A. No, sir.

Q. You never saw him?—A. Not to know him.

Q. Never had any conversation with him?—A. No, sir.

Mr. CAMPBELL. May I see the order of notice served upon the contestee?

Q. Where did you vote in 1901, if you voted any place?—A. If I did vote, I voted from Ward 8, from 38 Leverett street. I won't swear to that.

Q. And what was your name at that address?—A. Thomas W. McTernan.

Q. You were registered?—A. Yes, sir.

Q. You were there on the 1st day of May, 1901?—A. Yes, sir.

Q. And where did you vote—where is the booth that you voted in on that day?—

A. The few times I have voted since I was 21 years old is on Stamford street.

Q. How old are you now?—A. Going on 25.

Q. Twenty-five?—A. Yes, sir.

Q. When did you leave that address?—A. 38 Leverett street?

Q. Yes.—A. I can not tell you.

Q. You know about when you left it?—A. The year 1901 or 1902.

Q. About when?—A. I can't really tell you when I did leave it. I will have to think it over. I was living there with my wife at the time. I can't tell you just when it was.

Q. Think it over.—A. I think it was 1901.

Q. You lived there?—A. Yes, sir.

Q. What time of 1901?—A. I could not tell you.

Q. Did you live there in December, 1901?—A. I think it was in the summer time I left there.

Q. In July?—A. I could not tell you the month.

Q. Where did you go from there?—A. To 60 Castle street.

Q. Went to 60 Castle street some time in the summer of 1901?—A. Yes, sir.

Q. And how long did you live at Castle street?—A. I lived at Castle street from that time until 1902, with the exception of being in the house of correction for six months. I came back on the 4th day of March and we continued to live on Castle street until about the 20th day of May.

Q. Was your wife living with you at that time?—A. Yes, sir.

Q. How long have you been married?—A. Since May 9, 1898.

Q. What was your wife's name?—A. Jessie Campbell.

Q. Where did she live when you married her?—A. 11 Pitts street.

Q. Do you support your wife now?

Mr. MALLEY. Does that have anything to do with this case?

Mr. CAMPBELL. If he is a witness—

The COURT. That matter does not affect the credibility of this witness.

Mr. CAMPBELL. If he does not support his wife?

Mr. MALLEY. I think we ought not to go into that.

The COURT. I rule that out.

Mr. CAMPBELL. I contend that I have the right of any testimony that is offered to question the credibility of the witness.

The COURT. That is not admissible. The stenographer may make a note of the ruling.

Mr. MALLEY. I would like to have the examination proceed or the witness dismissed, if he has no further questions.

Mr. CAMPBELL. I have some further questions.

Q. When did you leave after November 4, 1902, if you did, the city of Boston?

Mr. MALLEY. I think that question was asked.

The COURT. You need not answer that.

Mr. MALLEY. I wish to have my objection noted to any and all these questions as immaterial, frivolous, and tending to delay.

Mr. CAMPBELL. It is not for the purpose of delay or anything like that. It is because we believe that we have the right to ask these questions.

Mr. MALLEY. I don't think there is any need of an argument here.

The COURT. Proceed with your examination.

Q. When you voted on the 4th day of November, 1902, you did so of your own free will?—A. Yes, sir.

Q. Nobody obliged you to.—A. I was paid \$2 to go in and vote.

Mr. CAMPBELL. I object to prompting from outside the witness stand. That is what I object to.

Q. You just stated that you voted of your own free will, didn't you?—A. I was paid \$2.

Q. And you take back the answer that you gave to the first question that you did it of your own free will?—A. I went in and voted. I got \$2 to vote and I voted.

Q. Who gave you the \$2?—A. Mr. Daniel J. Kiley.

Q. Where did he give you that \$2?—A. On Staniford street.

Q. Was there anybody present at the time he gave you that \$2 besides yourself and Mr. Kiley?—A. Yes, sir.

Q. Who?—A. George H. Morse.

Q. Who is George H. Morse?—A. He lives at 78 Poplar street, I believe.

Q. In the city of Boston?—A. Yes, sir.

Q. Was he with you at that time?—A. Yes, sir.

Q. Did he vote on that day, do you know?—A. Yes, sir.

Q. Was there anybody else present besides yourself and Mr. Kiley and Mr. George H. Morse?—A. Several people around there, but I didn't know them, all of them.

Q. They were not with you or Mr. Kiley or Mr. Morse, so far as you know?—A. No, sir.

Q. When you got the \$2 of Mr. Kiley did Mr. Kiley say anything to you?—A. Told me to vote for Keliher.

Q. Told you to vote for Keliher?—A. Yes, sir.

Q. Did you vote for Keliher?—A. That is a secret ballot and I decline to answer.

Q. Where did you go after you voted on that day?—A. From there to Blossom street.

Q. To Blossom street?—A. Yes, sir.

Q. Where did you go to on Blossom street?—A. Corner of Blossom and McLean streets at the polling booth.

Q. Did you go to see anybody at that polling booth?—A. No, sir.

Q. Did you vote again upon that day?—A. No, sir.

Q. That was the only time you voted that day?—A. Yes, sir.

Q. Do you of your own knowledge know of anybody else that was given \$2 to vote on that day?—A. Yes, sir.

Q. Where was the money given?—A. Corner of Blossom and McLean streets.

Q. Was it given in your presence?—A. Yes, sir.

Q. By whom was it given?—A. Jeremiah McCarthy.

Q. Jeremiah McCarthy?—A. Yes, sir.

Q. Who is Jeremiah McCarthy?—A. I don't know him very well. He lives in the West End.

Q. To whom did he give the money?—A. George H. Morse.

Q. That is the Morse that was with you at the time Kiley gave you the \$2?—A. Yes, sir.

Q. Did he give you \$2 at that time?—A. No, sir.

Q. How do you know he gave him \$2?—A. I was standing right longside of him.

Q. Did he say anything?—A. He had some slips of paper in his hand and wanted me to vote.

Q. Did he say anything?—A. The man that gave that \$2 to Mr. Morse wanted me to vote in another name.

Q. Did he say anything to the man he gave the \$2?—A. Yes.

Q. What did he say to him?—A. Asked him to vote in another name.

Q. What did the man say?—A. I don't recall what he did say.

Q. You don't recollect what he did say?—A. No, sir.

MR. CAMPBELL. May it please your honor, I believe that is all.

MR. MALLEY. I ask that the witness be held for a future day.

THE COURT. Any more witnesses?

MR. MALLEY. Is Daniel M. Driscoll here? If your honor please, among the names of the list submitted to your honor for request of subpoenas there appeared the name of Daniel M. Driscoll, 340 Bowdoin street, Boston, Mass., and the following subpoena was issued: [Mr. Malley reads the subpoena served upon Daniel M. Driscoll to the court.] I desire to offer in evidence this subpoena and I now ask if Daniel M. Driscoll is in the room in answer to that summons.

(The court then called for Daniel M. Driscoll twice.)

MR. MALLEY. I ask that his nonappearance be noted and the subpoena put in the record.

THE COURT. The said Daniel M. Driscoll having been duly summoned in accordance with law to appear and testify in this hearing, as is shown by the subpoena hereto annexed, marked "Exhibit 5, J. H. B.," failed to appear as therein ordered, no reason being given for his nonappearance.

MR. MALLEY. We had summoned him and we offered to show by him that he was the man who styled himself a chairman of the Democratic district committee, which never existed.

MR. CAMPBELL. This is not evidence. You are, as you have stated, to take the depositions of witnesses. If there are witnesses, then call the witnesses.

THE COURT. You don't offer it as evidence?

MR. MALLEY. I don't offer it as evidence, and I ask that we proceed with the examination of witnesses. I now move we adjourn until to-morrow at 1 o'clock.

MR. CAMPBELL. Now, may it please your honor, before we adjourn I think we should in some way come to an agreement in regard to the witnesses, the number that will be needed.

THE COURT. Can't we discuss that in my office as well as here?

MR. CAMPBELL. Yes; I only suggest that now in order that we may get sufficient time to summon the witnesses we agree upon.

MR. MALLEY. They are all here, and summoned to appear from day to day.

MR. CAMPBELL. We wish to decide upon what ones will be present.

THE COURT. I suppose it is for the contestant to say.

MR. CAMPBELL. I would like to suggest that we adjourn until some time Monday.

MR. MALLEY. That is agreeable, until Monday at 1 o'clock. I would like to have it announced that the witnesses are still held to appear here Monday. I would like to have those that appeared here to-day certify their attendance before the court. I want them to certify to-day.

THE COURT. You want them to be notified to appear on Monday? All persons who are here to-day as witnesses in response to a subpoena will, before they depart, step into the room and receive a certificate from me.

Court adjourned till March 2 at 1 o'clock p. m.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*
East Boston District Court.

I hereby certify that the foregoing in this volume, containing about 47 pages, together with notice of contest, is a true and correct record of the testimony and proceedings in the contested election case of Joseph A. Conry against John A. Keliher before me February 27, 1903, signatures having been waived. Exhibits herein referred to accompany this volume and are marked as herein described. Certificate showing my appointment to and continued holding of my position hereto annexed, marked "X."

JOSEPH H. BARNES, JR.,
Special Justice East Boston District Court.

EAST BOSTON DISTRICT COURT ROOM,
Monday, March 2, 1903.

Joseph H. Barnes, jr., sitting.

BARNES, J. The people present will preserve order during these proceedings. Have you room enough where you are sitting, gentlemen, Mr. Moran and Mr. Malley? It has been suggested that there does not appear to be room enough for the counsel and the parties within the bar inclosure, and that those persons seated there, except the members of the press and members of the bar, should be seated outside.

MR. MALLEY. If your honor please, we shall now proceed with the testimony in the hearing in regard to a contest for a seat in Congress between Joseph A. Conry, as contestant, and John A. Keliher, as contestee. I desire, as the first witness, to call Daniel M. Driscoll to the stand.

MR. CAMPBELL. May it please the court, before the witness Driscoll takes the stand, I would like to ask that the witness McTiernan may be called to the stand. I understand it is still within the power of the presiding justice to call him.

MR. MALLEY. I understood that the examination and very extensive cross-examination of Mr. McTiernan on Friday last had been concluded by my brother. If he desires at any future hearing of his own to call him to the stand, he may; but I have no further desire to take his testimony and I would like to proceed with this witness.

MR. CAMPBELL. Well, I would like your honor to note my objection to that. I understood that the court asked that all the witnesses present on Friday should attend to-day, at this hour or at 1 o'clock. I understand the witness McTiernan has not signed his deposition as yet and I supposed that he would be present. So I wish simply to object to proceeding without having him.

MR. MALLEY. If your honor remembers, at the last hearing, on Friday last, I produced a subpoena with the return thereon of service upon Mr. Driscoll, and that is within the possession of the court. I desire that it be attached previous to the record of Mr. Driscoll's testimony.

DANIEL M. DRISCOLL, sworn.

By MR. MALLEY:

Q. What is your name?—A. Daniel M. Driscoll.

Q. Where do you live, Mr. Driscoll?—A. 340 Bowdoin street.

Q. Dorchester?—A. Yes.

Q. What ward of the city is that in?—A. Ward 20.

Q. How long have you lived at 340 Bowdoin street, Dorchester?—A. Two years last June.

Q. Previous to that where did you reside?—A. 157 Tyler street.

Q. Are you a voter of the city of Boston?—A. Yes, sir.

Q. You have been assessed and registered?—A. Registered in Ward 7; yes, sir.

Q. Where did you register from?—A. 31 Broadway Extension, Ward 7.

Q. That is not your home?—A. Yes, sir; at times; temporarily.

Q. About when two years ago—about what season of the year did you go to Dorchester to live?—A. In June, the 1st of June.

Q. What is 31 Broadway Extension; an apartment house?—A. What is it? An apartment house; yes, sir.

Q. Are there a number of suites there?—A. Yes, sir.

Q. In which suite did you live on May 1?—A. In suite 3, I think the number is, on the top floor.

Q. Any family there?—A. Two families underneath.

Q. Did you hire the suite?—A. I hired the suite and fitted it up—furnished it.

Q. Who lived there with you?—A. My wife and child.

Q. On May 1, 1902?—A. 1902; yes, sir—a year ago.

Q. How long previous to May 1, 1902, had you lived at 340 Bowdoin street?—A. From the month of April up to the last of April.

Q. That is, I understand you to say, Mr. Driscoll, that for two years—do you remember what month it was you when to Dorchester to live?—A. In June; two years ago last June.

Q. In June, 1900?—A. I think so; that is, two years ago.

Q. You made your home in June, 1902, at 340 Bowdoin street?—A. Yes, sir.

Q. Then in the month of April, the last of April, you left that place as your home and took up your home at 31 Broadway Extension?—A. Yes.

Q. With your wife and child?—A. Yes.

Q. How long did you live at 31 Broadway Extension?—A. Until the last of May or 1st of June.

Q. Until the last of May or 1st of June?—A. Yes, sir.

Q. Where did you go then?—A. To 340 Bowdoin street, Dorchester.

Q. When you left to 340 Bowdoin street, Dorchester, did you move the furniture from 340 Bowdoin street?—A. No, sir.

Q. You left it?—A. My sister lived there at 340 Bowdoin street and uses it.

Q. You left your sister in charge of your furniture at 340 Bowdoin street?—A. Yes, sir; two sisters.

Q. Do you own the house at 340 Bowdoin street?—A. No, sir.

Q. You rent it?—A. Yes.

Q. From whom did you rent it?—A. From Dennis F. Reardon.

Q. So when you moved to 31 Broadway Extension you moved nothing but your own personal apparel?—A. Trunks and so forth; personal apparel.

Q. And during the month of May you did not at any time live at 340 Bowdoin street?—A. No, sir.

Q. In the last of May or June you returned to your home, 340 Bowdoin street?—

A. About the last of May; yes, sir.

Q. And you have been living there ever since?—A. Yes, sir.

Q. Now, I would like to find out if you can remember exactly when you moved; what date, or as near as you can approximate it. What date did you take up your abode at 31 Broadway Extension?—A. On the 29th day of April. I have got receipts for rent at home for the rent of it.

Q. From whom did you hire the house 31 Broadway Extension?—A. From the janitor in charge.

Q. It was vacant at the time?—A. Yes.

Q. You fitted it up with furniture?—A. Yes.

Q. Where did you buy the furniture?—A. Haines.

Q. Do you know what family had lived there previous to you?—A. No; I do not, sir.

Q. When you left the last of May do you know whether the suite was occupied by anybody else?—A. It was not, up to the time I left it; no.

Q. No; after you had left?—A. I don't know; it may have been occupied; I don't know.

Q. Your interest in the suite ceased entirely?—A. Exactly; yes.

Q. It has never occurred to you to inform yourself as to who lived in that suite afterwards?—A. No, sir.

Q. What did you do with the furniture?—A. Returned it.

Q. To Mr. Haines?—A. Yes, sir.

Q. And got your money back?—A. No, sir; paid for the use of it.

Q. You leased the furniture?—A. Yes.

Q. You did not purchase it of Mr. Haines?—A. No, sir.

Q. What did you pay for the lease of the furniture?—A. I do not know just what.

Q. About what?—A. Thirty dollars, or something like that; I don't know exactly.

Q. You used this furniture for a month and returned it in June?—A. Yes.

Q. How many children have you, Mr. Driscoll?—A. Two, now.

Q. How old is the oldest?—A. Going on three years.

Q. Where was that child born?—A. In Bowdoin street, Dorchester.

Q. What number?—A. 340.

Q. Do you remember what month?—A. September, I believe.

Q. Do you remember the day?—A. The 19th, I think.

Q. Was that in 1900 or 1899?—A. That was 1900, I guess; two years last September.

Q. Previous to that child's birth, how long had you lived at 340 Bowdoin street?—A. The June previous.

Q. For what purpose did you go to live at 31 Broadway Extension?—A. For what purpose?

Q. Yes.—A. To get a legal residence.

Q. For the purpose of registering yourself as a voter?—A. Exactly.

Q. Where was the other child?—A. 340 Bowdoin street, Dorchester.

Q. When was that child born?—A. August 12 of this year—or last year, rather.

Q. You did vote at the State election November 4, 1902?—A. Yes, sir.

Q. And you voted at Ward 7?—A. Yes.

Q. What precinct?—A. Precinct 4.

Q. By whom were you assessed as living at 31 Broadway Extension?—A. By the city assessors of Boston, of course.

Q. Did you bring the matter to the attention of the assessors that you were living there?—A. No, sir; no, sir.

Q. Without your knowledge you learned by the assessors' list that you had been assessed there?—A. I had been living there the year before that; they carried me over, and I was there.

Q. That is, in 1901—in April of 1901—you were living at 340 Bowdoin street?—A. No, sir; I was living there; 31 Broadway Extension; the past two years I have been registered from there.

Q. I say, you were living in April, 1901, at 340 Bowdoin street?—A. Up to the last of April.

Q. Up to the last of April, 1901, you were living at 340 Bowdoin street?—A. Yes, sir.

Q. And up to the last of April, 1900, you were living there?—A. Yes, sir.

Q. That is, in April, 1901—the last of April, and on the last of April, 1902—and on the last of April; we'll stop there. You were living at 340 Bowdoin street?—A. Yes, sir.

Q. And each time you moved back just about May 1?—A. The last of April—yes, sir.

Q. To 31 Broadway Extension?—A. Yes, sir.

Q. And stayed there?—A. Yes, sir.

Q. About the same time each year?—A. Yes.

Q. About a month each year?—Yes, sir.

Q. You did that for the purpose of qualifying yourself as a legal voter from 31 Broadway Extension?—A. Ward 7; yes, sir; where I have always voted, and always shall.

Q. Do you know whether or not in the intervals between April, 1901, and April, 1902, and April, 1900, and April, 1901 any family lived in that suite?—A. No; I do not, sir.

Q. Do you know whether or not it was vacant?—A. No, I do not; no, sir.

Q. Did you have a lease of the suite 31 Broadway?—A. No, sir.

Q. What was the name of the janitor you hired from?—A. I do not know; I could not tell you that, sir.

Q. What is the name of the estate that owns the house?—A. The Minot estate, I believe.

Q. To whom did you pay your rent?—A. I paid it in the form of a check to the lady there who was the janitress. The first year there was a gentleman janitor; the second year a lady janitress.

Q. Did you write the check?—A. Yes.

Q. What was the name of the payee on the check?—A. Minot, I think it was.

Q. How much was the rent?—A. I think about \$28.

Q. A month?—A. I think it was something like that; \$23 or \$28, I won't be positive now whether it was \$23 or \$28.

Q. You have been for how long chairman of the Democratic committee of Ward 7?—A. Four or five years.

Q. In October or November, 1902, were you the chairman of the Democratic Congressional committee?—A. Yes, sir.

Q. Of the Ninth Massachusetts district?—A. Yes.

Q. How did you receive that office?—A. I received it through the election of the people, being elected as member of the State committee, and was appointed on that committee by the president or chairman of the Democratic State committee, who appointed a committee of five to consist of myself and four others to form a district committee.

Q. When was that appointment made?—A. I could not just say; when the State committee organized I think they made these appointments.

Q. Can you give us some more definite idea when the State committee organized?—

A. No, I can not; I have just forgotten this thing.

Q. You were a member of the State committee of 1902?—A. Yes; I was a member of the State committee for both years.

Q. You say you were appointed chairman of the district committee?—A. I was appointed on that committee and elected by the committee or subcommittee consisting of five. The president of the State committee appointed the committee.

Q. What other names were on the committee?—A. There was Nolan of 1, Arthur of 2, Tworoger of 12, Taylor of 9, and myself of 7.

Q. Was there any representative upon that committee from Ward 3?—A. Ward 3? There are only five on the committee.

Q. Ward 4 or Ward 5?—A. No, sir; those were the five that were appointed.

Q. What was the name of the chairman who appointed you on that committee?—A. Mr. McNary.

Q. William S. McNary?—A. William S. McNary.

Q. Did you get any written communication from Mr. McNary notifying you of your appointment?—A. No, sir; the appointment was made at the meeting and the committee organized there immediately, and selected their chairman at the meeting.

Q. Was that previous to the time of the Congressional convention of the Ninth Massachusetts district?—A. Yes.

Q. Was not that appointment made to last until the convention had taken other action?—A. That appointment was made to last during the ensuing year of 1901 and 1902.

Q. You have attended several Democratic Congressional conventions, have you not?—A. Several—every one that ever took place in our district.

Q. Is not the district Congressional committee elected at the conventions?—A. No, sir; that system has been done away with.

Q. When was it done away with?—A. Since the old system of electing delegates has been done away with. Under the old system we used to elect delegates and the delegates would elect their district committeemen, but that system has not been in vogue for a year.

Q. Don't you elect members of the committee in the general session of the convention?—A. No, sir; the senatorial members are elected at large; the district committeemen are appointed by the president of the State committee.

Q. I am talking about delegates to the Congressional convention.—A. Well, the State committeemen are appointed delegates to the convention.

Q. Do you say that at the Democratic Congressional convention the district Congressional committee is not elected?—A. They are not elected; they are appointed by the president of the State committee.

Q. Don't you know that the district Congressional committee is elected at the Democratic Congressional convention of the Ninth Congressional district?—A. I do not; no, sir.

Q. How was the committee made up two years before?—A. They were elected by the—

Q. By the delegates present at the Congressional convention, were they not?—A. There were delegates that year.

Q. And two years before they were elected at the same time?—A. Yes.

Q. Don't you know that the Democratic Congressional convention of 1902 broke up without making a nomination for Congressman?—A. Yes, sir.

Q. And don't you know that the next business after a nomination has been made

for Congress is to elect a Democratic Congressional committee?—A. I did not catch your question; I thought you were talking about the State committee.

Mr. CAMPBELL. I think this has gone far enough. It is a matter of record. He can present that in another form. It seems to me that this is taking up time, which we agreed should not happen.

Q. If a nomination had been made at the Democratic Congressional convention, would not, in the next regular order of business, the election of a Democratic Congressional committee have been acted upon?—A. In the Congressional convention?

Q. Yes.—A. I don't know how that would be, I am sure.

Q. That is the way it always had been previously?—A. Until last year; yes.

Q. And up to the time that the convention adjourned without making a nomination of candidate for Congress there had been no agreement or suggestion made that they should not elect a Democratic Congressional committee?—A. Not that I know of.

Q. As a matter of fact, Mr. Driscoll, you appointed yourself chairman of the Democratic Congressional district committee?—A. No, sir; I was appointed as a member of the Congressional committee by the president of the State committee.

Q. Signing yourself as chairman of the Democratic Congressional committee of the Ninth Massachusetts district, did you not telegraph to James M. Griggs upon November 2, 1902, the following—did you not telegraph to him?—A. A telegram was sent to him; yes, sir.

Q. Did you send it?—A. I authorized it to be sent.

Q. Whom did you authorize to send it?—A. Somebody who was present at the meeting; I don't know just who.

Q. You did not send it yourself personally?—A. No, sir.

Q. You did not write the telegram?—A. No, sir.

Q. You can not recall now who it was you authorized to write the telegram?—A. No; I can not. I think it was a young man by the name of Carthy; I would not be positive.

Q. Do you know his first name?—A. No; I do not. I could not tell what it is.

Q. Is he the private secretary of Mr. Keliher?—A. He is a young man who did clerical work; I do not know whether he was private secretary to Mr. Keliher.

Q. Do you mean Mr. McCarthy, present here at the counsel table?—A. Yes, sir.

Q. In that telegram did you not cause to be communicated the following:

BOSTON, MASS., November 2, 1902.

Hon. JAS. M. GRIGGS,

Chairman Democratic Congressional Committee, Washington, D. C.:

Has Congressional committee wired instructing the Democracy of Ninth Massachusetts district which of two Democrats to support in an absolutely safe Democratic district? Wire immediately. Important.

DANIEL M. DRISCOLL,

Chairman Ninth Massachusetts Congressional District Committee,

Hotel Savoy, Boston, Mass.

A. I would not be positive of the exact words, but substantially.

Q. Substantially. Did you get a reply to that?—A. Yes.

Q. Have you got the reply?—A. Yes, sir.

Q. Will you produce it, please?—A. (Telegram produced.)

Mr. MALLEY. I offer this in evidence. I will read it:

WASHINGTON, D. C., November 2, 1902.

Hon. DANIEL M. DRISCOLL, 90 Hotel Savoy, Boston:

Replying to your telegram of this date, my chief interest is in seeing the Ninth district of Massachusetts elect a Democrat to Congress.

J. M. GRIGGS.

Q. Did you receive any other telegram from Mr. Griggs?—A. No telegram; no, sir; a telephone.

Q. Did you receive any other telegrams from Mr. Griggs?—A. No, sir.

Q. That is the only telegram you received from Mr. Griggs relating to the pending election contest?—A. Yes; that is the only telegram.

(Telegram Griggs to Driscoll marked "Ex. 6, J. H. B.")

Q. That is the only telegram received by you at any time previous to November 4, 1902, relating to the pending election contest in the Ninth Massachusetts Suffolk district?—A. Yes, sir.

Q. Did you, on November 2, 1902, go to the editorial rooms of the Boston Post, or to any department of the Boston Post, and there pay for the publication of an advertisement to the following effect— A. No, sir.

Q. I show you this copy of an advertisement.—A. Yes, sir.

Q. You have seen copies of the Post containing copies of that advertisement before?—A. Yes, sir.

Q. You knew that was published in the Boston Post of November 3, 1902, and that your signature was attached?—A. My signature is not attached.

Q. You knew your name had appeared in an advertisement as having received—
A. The following day I did.

Q. As having received a telegram to this effect?—A. Telegram and telephone. I did not know it was going in in that form.

Q. You knew it was going into the paper?—A. Not in that form.

Q. You knew that an advertisement in relation to the chairman of the National Congressional committee with reference to his attitude toward the candidates in the Ninth Congressional district—you knew that was going into the Post by way of advertisement in some form?—A. Yes; not in that form, though.

Q. Did you write the original of this advertisement?—A. No, sir.

Q. Was it written in your presence?—A. No, sir.

Q. Was it written with your knowledge?—A. Nothing more than I said somebody suggested that we write up an article for the paper.

Q. Who suggested?—A. I think it was Mr. Howard.

Q. Where were you at this time?—A. At the Hotel Savoy.

Q. With whom?—A. With a party of friends, Mr. Howard and several others.

Q. Was Mr. John A. Keliher present?—A. No, sir.

Q. Who were present at that interview?—A. Well, there were several people there—there was Mr. Howard, Mr. McCarthy, Mr. McDevitt I think was there, Mr. Shea; there was quite a number there; I could not begin to tell you who was there.

Q. This was Sunday afternoon at the Hotel Savoy?—A. Yes.

Q. The afternoon of November 2, 1902?—A. Yes, sir.

Q. You were seated with the other men, some of whose names you have mentioned?—A. Yes, sir.

Q. To consult about the pending election contest?—A. Yes.

Q. You were what is known as a Keliher man?—A. Yes.

Q. You were an advocate of his candidacy?—A. Yes.

Q. And all of the gentlemen present?—A. Exactly.

Q. Were Keliher men. An article had come out in the morning papers, in the Sunday papers, in which was incorporated a communication from James M. Griggs to the Hon. Joseph A. Conry, and you had read it and discussed it?—A. Yes.

Q. With the men that were present?—A. Yes, sir.

Q. The telegram was to this effect as printed in the paper, was it not? I am not going to offer the telegram yet. The article that you saw printed in the paper contained what appeared to be a copy of a telegram received by Joseph A. Conry from James M. Griggs, the chairman of the national Democratic Congressional committee?—A. Yes.

Q. This was an article on the political situation, not an "ad.," that you first saw?—A. In the form of a telegram.

Q. It was brought to your attention by that article that Joseph A. Conry had stated that he had received a telegram to the following effect, which I will read:

WASHINGTON, D. C., November 1, 1902.

HON. JOSEPH A. CONRY, etc.:

While it would be improper for me as chairman to take sides in a contest between two Democrats, I cheerfully say that personally I believe your record entitles you to a renomination. I hope you will be reelected.

JAMES W. GRIGGS.

Upon reading the article containing a copy of this telegram, you thought that the publishing broadcast of that telegram might work to the political advantage and advance the candidacy of Joseph A. Conry?—A. No.

MR. CAMPBELL. Wait a moment. He asks what the witness thought.

Q. As the result of reading that article containing this telegram, you telegraphed James M. Griggs?—A. Yes, sir.

Q. At whose suggestion did you do that?—A. Well, at the suggestion of somebody who was sitting around the table there who said that the gentleman's name was not James W. Griggs, and the telegram, at least the article in the paper, gave it as James W. Griggs. Somebody said, "That is not his name, it is James M. Griggs."

Q. Who said that?—A. I think it was Mr. McCarthy. He said, "There may be something wrong about that telegram, what is the matter with wiring him and finding out?" That is what led on to these telegrams.

Q. So you wired him, as follows:

BOSTON, MASS., November 2, 1902.

Hon. JAS. M. GRIGGS,

Chairman Democratic Congressional Committee, Washington, D. C.:

Has Congressional committee wired instructing the Democracy of Ninth Massachusetts district which of two Democrats to support in an absolutely safe Democratic district? Wire immediately. Important.

DANIEL M. DRISCOLL,

Chairman Ninth Massachusetts Congressional District Committee,

Hotel Savoy, Boston, Mass.

And in reply to that you received a telegram?—A. That was sent; yes.

Q. Have you the original of that telegram?—A. No; I have not.

Q. Do you know where it is?—A. Well, I have got a copy of the original; I have not got the original.

Q. Have you any doubt but what that is a correct copy of what you sent?—A. Yes; I guess that is about right, I don't question it.

Mr. MALLEY. We will prove it by the telegraph company at the proper time.

Q. Have you got your copy?—A. I have got a copy here of what was sent at the time.

Q. This copy is made on a blank of the Western Union Telegraph Company?—A. I do not know who made it up.

Q. The original was sent by the Postal Telegraph Cable Company, wasn't it?—A. I don't know how it was sent or where it was sent; I don't know anything about the sending of it; I was simply there when it was sent.

Mr. MALLEY. I will show you his copy. See if you have any question about it.

I offer this copy of a telegram, either one, it makes very little difference.

(Copy of telegram, Driscoll to Griggs, marked "Ex. 7, J. H. B.")

Q. And you got in reply to that telegram a telegram from James M. Griggs. Have you got the original here?—A. He has got it here.

Q. That stated, "Replying to your telegram of this date, my chief interest is in seeing the Ninth district of Massachusetts elect a Democrat to Congress." That, I believe, you said was the only telegram you ever got from James M. Griggs?—A. Yes, sir.

Q. Then with your knowledge and by your authorization an advertisement was published in the Boston Post in the interest of the candidacy of John A. Keliher?

(Objected to as leading.)

A. Well, I would not say in that form; I knew there was something going in, but I would not say in that form.

Q. You authorized somebody?—A. Somebody suggested we insert that into the paper. I said, "All right." That is all there is to it. I did not know it was going in in that form. There was a telephone received and we talked about the telephone.

Q. I call your attention to this advertisement. You saw whatever was published in the Boston Post in the day's issue of November 3, 1902?—A. I saw it the following day; yes, sir.

Q. That is, so far as you can observe, an accurate reproduction of the advertisement?—A. I should say so; yes.

Mr. MALLEY. I would like to offer that.

GRIGGS WANTS A DEMOCRAT ELECTED.

The following from Hon. James M. Griggs, chairman national Congressional Democratic committee, is authentic and self-explanatory:

WASHINGTON, D. C., November 2, 1902.

DANIEL M. DRISCOLL,

Chairman Ninth Congressional District Committee, Boston, Mass.:

Replying to your telegram of this date, I have not expressed or implied by a single word, wired or otherwise, officially or privately, any preference for a candidate in the Ninth Massachusetts district. My chief interest is in seeing the Ninth district of Massachusetts elect a Democrat to Congress.

JAMES M. GRIGGS,

Chairman National Congressional Democratic Committee.

Q. I will read the words that I am going to apply my question to. Whether or not the words "I have not expressed or implied by a single word, wired or otherwise, officially or privately, any preference for a candidate in the Ninth Massachusetts

district." Was that ever written in any telegram or message received by you from the Hon. James M. Griggs?—A. Over the 'phone; that was his conversation over the 'phone.

Q. That is not my question. Was it ever received as a written article?—A. No, sir.

Q. It was never received by you in connection with the words "Replying to your telegram of this date, my chief interest is in seeing the Ninth district of Massachusetts elect a Democrat to Congress," was it?—A. No; it was not on the telegram; it was by telephone.

Q. So that you had received the telegram which is marked Ex. 62?—A. Yes; that is the only telegram.

Q. Did you or somebody before the advertisement was put into the Post incorporate into that telegram words which you say James M. Griggs used over the 'phone to you?—A. Exactly.

Q. And published it as a facsimile of a written communication, which you or somebody in your interest or in your behalf published in the Boston Post?—A. It was published; I did not know that it was going in in that form.

Q. You knew when that was published that that impliedly accused Mr. Conry of having published a telegram he never received?

Mr. CAMPBELL. May it please your honors, I object to all this. It is leading and in the nature of a cross-examination of this witness.

BARNES, J. The stenographer will note the objection and the reasons that Mr. Campbell gives therefor.

Q. Whom did you authorize to go to the Post with reference to the publication of this advertisement?—A. I did not authorize anybody individually; it was talked over casually; I don't know who it was.

Q. Among whom was it talked over?—A. Among the friends of Mr. Keliher who sat around there; I think Mr. Howard was one.

Q. To what person or through what persons did you give the right to use your name when you received any communication like that?—A. I did not give anybody any right to use it.

Q. When it was published you saw it in the Post?—A. The next morning.

Q. You made no attempt?—A. It was too late to make any attempt then. I simply said I did not know it was going in in that form; that is all.

Q. You accepted it as a statement from you?—A. I had to accept it.

Q. You adopted it?—A. There was no other way than that that I could see.

Q. You made no overt sign of disapproval?—A. All I said was I did not think it was going in in that form. I made that statement at Mr. Keliher's headquarters the following day, I think; I said, "I did not think that was going in in that form."

Q. What part, if any, did you have in putting this into the paper?—A. I had none whatever, only I told them what occurred over the 'phone and they pooled together and put it in the press.

Q. To whom did you give this telegram of the 22d from James M. Griggs?—A. I passed it around the table; I guess everybody saw it that was there; it was passed around in general.

Q. Whom did you take it from last?—A. I think I took it from Mr. Howard last.

Q. When?—A. That afternoon about 5 o'clock—between 4 and 5 o'clock.

Q. Was Howard the man who took it to the Post?—A. I would not be surprised; I would not say that.

Q. Do you know?—A. I do not know positively; no, sir.

Q. Do you know how that got to the Post—any connection with it?—A. No, sir.

Q. You did not go to the Boston Post with it?—A. I did not; no, sir; I went home; about 5 o'clock I went home.

Q. Then your name was added without your consent?—A. Well, in a way, it was.

Q. Well, in every way it was, was it not?—A. Well, I said that they said they were going to write up an article. I did not suppose they were going to write an article of that kind. I said, "All right."

Q. Then this advertisement, as worded, was done without your knowledge and consent?—A. I never saw it until I saw it in the paper the next morning.

Q. I would like an answer, yes or no, whether or not it was made with your consent and knowledge?—A. As I say, I did not give any consent to have it put in in that form.

Q. Well, it was put in without your consent?—A. Was put in without my consent in that form; yes.

Q. You never received from James M. Griggs any statement worded as the statement alleged to have been received from James M. Griggs is worded?—A. Not by telegram; no.

Q. You never received any statement worded as this is worded there?—A. Over the phone; yes.

Q. This statement, Mr. Driscoll, is made up of the exact wording of a telegram received by you from James M. Griggs and partly from your recollection of a telephone message from James M. Griggs?—A. Well, it was a telegram and telephone combined, then.

Q. And yet the two were put together as one statement, were dated the same date, and underneath the statement there were added the words, "Signed James M. Griggs?"—A. That was something I did not know anything about.

Q. James M. Griggs never signed any statement to you that contained those words; "I have not expressed or implied by a single word, wired or otherwise, officially or privately, any preference for a candidate in the Ninth Massachusetts district?"—A. Never signed; no.

Q. Upon recollection can you now recall of taking this down to the Boston Post?—A. No; I can not say that I do. I do not know just who took it down. I have an idea it was John Howard.

Q. But you do not know anything about it?—A. No; I do not.

Q. There was no talk with you about publishing this advertisement as written in the Boston Post?—A. I never saw it before it was until I read it in the Post or in the morning paper.

Q. Did you understand that this was to be an advertisement or a news item?—A. I did not know what they were going to do. They said they would write up something for the paper—those were the words they used—and I said "all right."

Q. You did not know what it was going to be?—A. I did not know what it was going to be until I saw it the next day in the paper.

Q. When your name was used in connection with it it was without your consent?—A. That was; yes.

Q. Do you feel sure that John Howard was the man who took that down?—A. Well, I do not feel sure; I would not swear to that.

(Question objected to because counsel is trying to put words into the mouth of the witness.)

Q. Do you know who took that advertisement down to the Boston Post?—A. I do not; no, sir.

(A copy of the advertisement published in the Boston Post and referred to in the testimony is marked "Ex. 8, J. H. B.")

Cross-examination by Mr. CAMPBELL:

Q. This telegram was received from Mr. Griggs on what date?—A. On Sunday, November 2, I think.

Q. November 2, 1902?—A. Yes.

Q. On that same day did you have a telephone conversation with Mr. Griggs?—A. Yes, sir.

Q. There was a telephone conversation with Mr. Griggs upon November 2, 1902?—A. Yes, sir.

Q. Now, will you state in connection with that telephone message and this telegram the circumstances which led to the publication in the newspaper? State it all.—A. I have stated as near as I can.

Q. To the best of your recollection?—A. Well, a few of Mr. Keliher's friends gathered at the hotel, as I say.

Q. You had a conversation with him over the telephone?

Mr. MALLEY. I should like to have my objection noted to any conversation held over the telephone between Mr. Griggs and Mr. Driscoll. It is not material.

A. Well, we wired Mr. Griggs about 10 in the morning, I think it was, and we had not received any reply up to noon. About 12 o'clock Mr. Howard went to the phone and tried to make connection with Mr. Griggs. We had not received any connection; they said he was out, and I believe we called him up later, and I believe it was about 2 o'clock when we made our connection on the phone, and Mr. Howard called me and said he had got Mr. Griggs. And the conversation which took place was that I told Mr. Griggs about the article appearing in the paper signed by his name, or his name signed to it, "James W. Griggs," and somebody said his initials were James M., and they felt that the telegram was not right, and they wanted to know something about it on account of the wrong initials—some words to that effect. So I asked him if he wired Congressman Conry officially, and he said no, he did not wire him officially; that he had not committed himself one way or the other officially, but personally he had. He said he knew Mr. Conry very well, was a personal friend, and for that reason he would like to see Mr. Conry elected; but officially he did not want to interfere in the matter, as he did not know Mr. Keliher. While we were having the conversation, I don't know just what took place; while we were having conversation I asked if he had received my telegram, and the telegram had

just arrived, and he read a telegram over the phone to me; at least, read a reply he was going to make to that telegram which he received, which was to that effect, as you see there.

Q. What do you mean, to the effect as it was published in the paper?—A. That is part of the telegram; yes, sir. He read that and said he was going to send that, and he furthermore said that would be official. When the telegram came, about 4 o'clock—we were talking about leaving before we got that telegram from him about 4 o'clock in the afternoon. So I showed that around, and we talked about the conversation we had over the phone, and somebody said they would write up an article for the press. That is about as much as I can remember about it. I called his attention to the fact that we had; I telephoned; I did say something about having a pretty hot contest on for governor here, and it looked as if we might possibly elect Mr. Gaston, but we felt they were trying to trade votes, that Mr. Conry was trading votes for Bates, or something of that kind. So that was the conversation which occurred over the phone.

Q. Anything else, Mr. Driscoll?—A. That is about all. He said he had not wired him officially, but simply as a personal friend.

Q. And you received a telegram subsequently conveying the conversation over the telephone?—A. Yes, sir.

Q. And from the conversation over the telephone, and the subsequent reply to your own telegram, you then knew—you had conversation then with some persons in the Savoy Hotel, and they discussed the advisability of putting some kind of a notice in some paper in Boston?—A. Yes.

Q. And you knew that they were going to put some kind of a notice in some paper in Boston, and you consented to their putting in a notice in some paper in the city of Boston, and you told them what the conversation in substance was before the telegram had arrived?—A. Yes.

Q. When the telegram had arrived you discussed with those persons the telephone message and the telegram together?—A. Exactly.

Q. And you were satisfied that they should then publish what you have practically told here in substance—what you have told here to-day?—A. Yes, sir.

Q. And this all happened—this telephone message and this telegram all happened upon Sunday, the 2d day of November—the same day?—A. Yes, sir.

Q. You said in the beginning, Mr. Driscoll, that you were living, about April 29, 1902—you were living at 41 Broadway, I understood you?—A. 31 Broadway Extension.

Q. You went there for the purpose of making that your domicile?—A. Yes, sir; temporarily.

Q. You went there for the purpose of making it your domicile upon the 1st day of May?—A. Yes, sir.

Q. (Referring to the newspaper advertisement, Exhibit 8.) Were you present when the copy, the original of this advertisement in the paper, was made up?—A. No, sir.

Q. You were not present?—A. No, sir.

Q. You did not see this in writing?—A. No, sir.

Q. You do not know when it was written?—A. No; I do not know when it was written.

Redirect examination by Mr. MALLEY:

Q. Just a moment. [Referring to Exhibit 8.] Before the question of putting this advertisement into the paper was talked about in your presence, you knew from the telephonic conversation with James M. Griggs that he had sent Joseph A. Conry a telegram, as read here?

Mr. CAMPBELL. I object to that question.

Q. The telegram to which James M. Griggs referred—the telegram referred to by Mr. Griggs in his conversation as having been sent to Mr. Conry?—A. That was the only telegram he spoke of, the one he sent to him.

Q. In his conversation I think you said you thought that Mr. Griggs told you that he had sent a telegram to Mr. Conry?—A. I asked if he had sent that officially, and he said, "No; personally."

Q. And after knowing that, upon seeing a statement over your name in a paper which said, "I have not expressed or implied by a single word, wired or otherwise, officially or privately," you caused the word "privately" to be put into this advertisement?

Mr. CAMPBELL. I object.

Q. Upon seeing the word "privately" in the advertisement the next day over your signature, you took no steps to correct any impression that might have gone abroad?—A. I don't know what step I might take about the matter.

Q. You took none?—A. I simply said I did not know it was going in in that form.

Q. You knew the next day that it was a fact that privately Mr. Griggs had expressed a preference for a Representative from the Ninth district?—A. I know personally he had, not officially.

Q. You make a distinction between the words "privately" and "personally"?—I think that is all.—A. No answer.

(Mr. Malley called the names of persons on whom subpoenas had been served in order to learn who were present and who might be expected to attend at the next session.)

RICHARD C. WILLIAMS, sworn.

By Mr. MALLEY:

Q. What is your name?—A. Richard C. Williams.

Q. Where do you live?—A. I live at 107 Green street.

Q. How long have you lived at 107 Green street?—A. Since September last I have lived there.

Q. Where did you live May 1, 1902?—A. I roomed in No. 1 Lowell street.

Q. What is your business, Mr. Williams?—A. I do plastering business.

Q. Are you a master plasterer?—A. Yes, sir.

Q. You are in business for yourself?—A. Yes.

Q. About how many men do you employ?—A. About 12 plasterers now and 8 laborers.

Q. You keep generally about 20 men?—A. About 20 and sometimes 30.

Q. Are you married?—A. Yes, sir.

Q. Do you live with your wife?—A. Yes.

Q. Have you a family?—A. I have, sir.

Q. Where do you live with them?—A. I live in 107 Green street.

Q. Did your family live with you at No. 1 Lowell street on May 1?—A. No, sir; only one of my boys. My family was down at the beach then.

Q. Where did they live previous to going down to the beach?—A. 333 Charles street.

Q. Did you live at 333 Charles street with your family?—A. Yes, sir.

Q. How long had you lived at 333 Charles street with your family?—A. Two years.

Q. That is, for two years previous to last May you lived with your family at 333 Charles street?—A. Yes, sir.

Q. And then your family went down to the beach?—A. Yes.

Q. And you and your son—what was his name?—A. Richard.

Q. And you and Richard Williams stopped where?—A. Hired a room at No. 1 Lowell street.

Q. What room did you hire at No. 1 Lowell street?—A. Well, I believe it was No. 3. It was on the second flight. We paid \$2.50 a week for it.

Q. Did anybody but you and your son occupy that room during that week?—A. No, sir; they did not.

Q. What week was that—beginning and ending when?—A. I went there, I think it was, the 6th day of April, and I stayed there until October.

Q. Stayed there until last October?—A. Yes; until my wife and baby came home from Houghs Neck. I always go down there fishing Sundays. I have got a cottage of my own down there. She most always goes down, too, every summer. It is my second wife.

Q. Of whom did you hire the room?—A. Mr. King.

Q. Do you know his full name? Was it Edward J. King? You don't know his name?—A. Well, John King is what I used to hear people call him. I have known him for about five years.

Q. Had you lived at 1 Lowell street previous to May, 1901?—A. No, sir. I was assessed from 333 Charles street, and voted and paid taxes there.

Q. I believe you said only you and your son occupied—? A. Occupied this room, that is all.

Q. Two people?—A. Two people.

Q. Two beds?—A. No, sir.

Q. One bed?—A. One bed and a large closet for our clothes.

Q. Do you know how many rooms there are in 1 Lowell street?—A. Well, I don't know. I was never—I was through the house; I whitened it. I believe there are four rooms in the attic; on the floor I had a room in there was four rooms. I guess the next floor there is three rooms—four rooms, rather; five rooms. Yes, there are five rooms; there is one off of the kitchen.

Q. Any others?

(Objected to.)

A. I could tell you about every room in about every house in the West End almost.

Q. How many rooms do you say there are in 1 Lowell street?—A. Four and four is eight—eleven, to my knowledge.

Q. Are you a native of the United States?—A. No, sir; I am forty-six years in it.

Q. Where were you born?—A. I was born in Ireland.

Q. Are you a naturalized citizen?—A. Yes; if I was not I would not be voting.

Q. We can not tell about Ward 8. When were you naturalized?—A. I was naturalized in 1878.

Q. Where?—A. In Cambridge.

Q. In what court; do you remember?—A. Well, I remember in the new courthouse I got my papers out, and the papers happened to be burned, and I had to get naturalized here again; get naturalization papers out again, and after they had been gotten out the second time it was found out where they were gotten out first, right there. So that I happened to be naturalized twice.

Q. In your business where you employ 20 men do you keep horses and teams?—A. Well, I have not got any horse and team now; Mr. Finney generally does all my trucking.

Q. Was this a lodging house, this 1 Lowell street?—A. There is a lodging house next door to it.

Q. Was No. 1 Lowell street a lodging house?—A. I believe there is rooms to let there by the week; I do not know of any other way that they let them there; there is another addition to No. 1 Lowell street; I should call it No. 3; there is a party door going into it; of course there is a lodging house there.

Q. Did you take your meals at this place?—A. No, sir.

Q. How many men roomed there during the first week in May, if you know?—A. Well, that is a thing I could not tell you. It was none of my business; I was not running the house.

Q. From your observation how many did you see there that you could say were rooming there?—A. Well, there was five men there rooming that I know of that worked for me.

Q. And you do not know of any other men besides those five men?—A. Not that I could call by name.

Q. Did you know of other men rooming there?—A. Well, now, how would I know it.

Q. Do you know of other men rooming there?—A. No; I do not.

Q. You were last assessed from 333 Charles street, were you not?—A. Yes; before I was assessed from No. 1 Lowell street.

Q. Did you go up to the assessor's office to get assessed?—A. From Lowell street?

Q. From Lowell street.—A. No, sir; I did not.

Q. Did your name come out as from 1 Lowell street upon the general assessor's list?—A. I went down to the polling booth and got my boy assessed and myself.

Q. That is the way you got your men assessed, at the polling booth?—A. Not my men; I said my boy, my son.

Q. Where did you get assessed?—A. Right there. I told them where I had lived.

Q. At what polling place did you go?—A. McLean street, at the corner Blossom.

Q. When?—A. Well, it was sometime before election; I knew the polling booth was down there.

Q. That is where you voted, you mean, don't you?—A. No; I did not vote there; I voted on Lowell street, at the corner of Cotting and Lowell.

Q. Now, I will ask you when you got assessed from 1 Lowell street?—A. I was assessed through the assessors assessing my name there; the city assessors assessed me and my son.

Q. Were you present when they came around?—A. Well, Mr. King gave him the name. I told him if the assessor came around, I says, said I, "John," said I, "you had better get me and the boy assessed, since we are rooming here; the boy is going on 22 years, and I want to get him assessed."

Q. So that John King was the man that gave your name and the boy's name to the assessors?—A. It most likely was; the landlord of the house, when the assessor came around for who lived there, I suppose he told him, which he had the right and privilege to do.

Q. What was this that happened at the polling booth with reference to assessment—you say you went down?—A. Went down and registered.

Q. Got registered?—A. Yes; whichever you want to call it; I ain't in politics.

Q. Did you go up to the room of the election commissioners to get registered?—A. No; I did not; I did not have to.

Q. Is your son here?—A. Yes.

Cross-examination by Mr. CAMPBELL:

Q. The only home that you had on the 1st day of May, 1902, was down at 1 Lowell street?—A. Yes, sir.

Q. Do you know how many beds were in that house, 1 Lowell street?—A. I could not say, but I know there was that many rooms; there was one bed in the room I was in.

Q. Do you know whether there were more beds in the other rooms, more than one in the other rooms?—A. There may be.

Q. You don't know?—A. I don't know.

GEORGE H. MORSE, sworn.

By Mr. MALLEY:

Q. What is your name?—A. George H. Morse.

Q. Where do you live?—A. At present I live at 107 Green street.

Q. On May 1, 1902, where did you live?—A. 78 Poplar street.

Q. Were you registered from there?—A. Yes.

Q. Did you vote upon the State election from 78 Poplar street?—A. Yes, sir.

Q. Do you know Thomas W. McTiernan?—A. Yes, sir.

Q. Were you in his company upon the last State election day?—A. Yes, sir.

Q. November 4, 1902?—A. Yes, sir.

Q. Will you describe what took place that afternoon?

Mr. CAMPBELL. Now, wait a minute. I do not know how that has any reference to this case what took place that afternoon. I suppose he must connect it in some way with this case.

BARNES, J. Do you object?

Mr. CAMPBELL. I object.

BARNES, J. Note the objection.

DEAN, J. Upon what ground do you object; upon the ground it is immaterial?

Mr. CAMPBELL. Yes.

DEAN, J. I think when you object you had better state your reasons for objecting.

Mr. CAMPBELL. I object upon the ground that it is immaterial.

Q. Will you describe what took place while you were with Mr. McTiernan?—A. I met McTiernan about half past 2 in the afternoon. I went down to the polling booth on Lyman, a little below Lyman and Stanford streets, and there he met Mr. Daniel Kiley, of Ward 8. Mr. Kiley called him one side and called me one side, and said, "Did you vote?" I said, "No." "Well, have you voted?" to Mr. McTiernan. He says, "No." He says, "Go ahead in and vote." He says, "Oh, I have got lots of time before 4 o'clock," he says.

By Mr. CAMPBELL:

Q. Who said that?—A. Mr. McTiernan. And he says, "I have got lots of time." He says, "Go ahead in and vote now." He says, "Here is \$2, and be sure to vote for Mr. John A. Keliher." McTiernan said, "I don't want to; I am afraid to." He says, "Never mind, don't be afraid; I have got the police with me and everybody behind the rail. Go ahead in and vote." So he took the \$2 and went in and voted. I walked from there with him to my voting booth, where I was paid to vote.

By Mr. MALLEY:

Q. Where was that?—A. My voting booth was on the corner of Blossom and Parkman streets, and I met on the way there, on the corner of Blossom and Parkman streets, Mr. Jeremiah McCarthy.

Q. Who is Mr. Jeremiah McCarthy; what does he do?—A. I don't know what he does; I just know he is one of the Ward 8 men.

Q. Is he interested in Ward 8 politics?—A. Yes; and he asked me had I voted. I said, "No." And he said, "Well, go ahead and vote." I said, "Well, I don't care to hurry about voting; I have got lots of time." "Well, there is something in it for you if you go in." I said, "all right, what is in it?" "Well, there is a couple of dollars in it." "Oh." I said, "I do not care to take the chance of going in." "Well, here, take this," he said, "and go in and vote on this name." He handed me a slip of paper with a name on it and the address, to go in. I said, "No, I do not want to take the chance."

Q. What was the slip of paper?—A. Well, there was a name and address on it.

Q. When he said, "Take this," what did he mean by "this," if you know?—A. He meant to go in and vote.

Mr. CAMPBELL. I wish to object to that. He does not know what he meant. How can he know what another man means?

Mr. MALLEY. You can sometimes infer.

DEAN, J. Why don't you ask him what he gave to him?

Q. What did he give you when he said, "Take this?"—A. Well, he done further than that; he mentioned the name and the address also, and told me to go in and vote on that address.

Q. Did he give you any money?—A. Yes, he did.

Q. How much did he give you?—A. \$2.

Q. What did you do?—A. Well, I told him I did not want to accept it; and Mr. Kiley came along just then.

Q. Continue.—A. He told me not to be afraid, and Mr. Kiley came along and made the statement he made before to Mr. McTiernan on Staniford street, not to be afraid. I took the \$2, went in and came out again.

Q. Did you vote?—A. No, I did not vote. I called out my own name, but it was not in that precinct, and I went down to my precinct and voted there. He said, "Be sure and come back" before I went. And I did not come back.

Q. Did you see Mr. Kiley give any money to Mr. McTiernan in that conversation on Staniford street?—A. Yes, sir.

Q. What did he give him?—A. He gave him \$2.

Q. Did you hear Mr. Kiley say anything else with reference to the name of Thomas J. Reagan?—A. Yes.

Q. What did he say?—A. He asked Mr. McTiernan to go in and vote under the name of Thomas J. Reagan.

Q. When was that?—A. That was about quarter past 3 or half past 3.

Q. Where?—A. On Staniford street.

Q. What did Mr. McTiernan do after that was said?—A. He took the \$2.

Q. What did Mr. McTiernan say in reply to that request?—A. Sir?

Q. To go in and vote under the name of Thomas J. Reagan?—A. What did Mr. McTiernan do?

Q. Yes.—A. He said he was afraid to do so; he did not want to do that way.

Q. Was anything said at that time as to where Thomas J. Reagan was?—A. Yes; he said he was sick in the hospital.

Q. What?—A. He said he was sick in the hospital.

Mr. CAMPBELL. I object to this as leading.

Cross-examination by Mr. CAMPBELL:

Q. You stayed at the Mayerick House last night, didn't you?—A. No, sir.

Q. You did not? When did you say this conversation took place between Mr. Kiley and Mr. McTiernan?—A. About half past 3, as near as I can recollect.

Q. Half past 3?—A. Yes.

Q. When, on election afternoon?—A. Yes, sir.

Q. Where did that take place?—A. At the polling booth on Staniford street.

Q. Just what was the conversation; will you repeat it again?—A. He asked Mr. McTiernan if he had voted. Mr. McTiernan said, "No; not yet." "Go ahead in and vote." "Oh, I have got lots of time," he said. He said, "Well, here; go in and vote now," he said, "you will make a dollar out of it; I will give you a couple of dollars." He told him he was afraid. He said, all right, he need not be afraid, he had the police with him and the people behind the rail.

Q. And did McTiernan go in and vote?—A. At that time? I am not quite sure.

Q. At the time when he got \$2? He accepted the \$2, didn't he?—A. He accepted the \$2; yes.

Q. Did he go in and vote?—A. I am not quite sure about that.

Q. You don't know about that? What is your best recollection about it?—A. Well, I was talking there with a few other people at the time, and I do not recollect whether he went in at that time.

Q. But you recollect the conversation?—A. Oh, yes; because I left as soon as the conversation got that far—I left.

Q. You saw the \$2 pass?—A. Yes.

Q. Was there anybody else there besides yourself, Mr. Kiley, and Mr. McTiernan at the time of this conversation?—A. No; not at the time of that conversation.

Q. Only just the three of you?—A. Just the three of us.

Q. Did Mr. Kiley say anything to you then about going in and voting?—A. He asked me had I voted.

Q. He asked if you had voted?—A. Yes.

Q. Did he offer you any money at that time?—A. No; not at that time; no.

Q. He did not say anything to you at all at that time, only just simply asked if you had voted?—A. Yes; that is all.

Q. When did you next see Mr. Kiley?—A. Well, about an hour after that; oh, no, about half an hour after that, I should say.

Q. About half an hour after that. What did you say to Mr. Kiley at that time and what did he say to you, if there was any conversation?—A. Well, he came up there when I was talking with Mr. McCarthy, and he told me not to be afraid.

Q. You were talking with Mr. McCarthy when Mr. Kiley came up?—A. Yes.

Q. And this was about half an hour after?—A. Yes; about as near as I can recollect.

Q. Well, what did he say?—A. He said not to be afraid; the same as before.

Q. Not to be afraid of what?—A. About going to vote. He said, "We have the police with us." There was two policemen standing right there, right behind him; loud enough for anybody to hear.

Q. Who were the policemen; do you know?—A. I do not know; they had their backs turned.

Q. What led Mr. Kiley to say to you that they had the police and the rail with them, and so forth?—A. So that I would not be afraid to go in.

Q. Why did he say that? Was there any conversation previous to his saying that?—A. Oh, yes; he heard conversation there when McCarthy asked me.

Q. He heard the conversation?—A. Yes.

Q. He came up while this conversation was going on?—A. Yes; the latter part of it.

Q. What was the latter part of the conversation?—A. Well, he had a slip of paper in his hand, and he told me to go in and vote on that name.

Q. Who did?—A. Mr. McCarthy. He told me to vote again on an address that I can not recollect just now.

Q. You can not recollect the name and the address?—A. No; I can not.

Q. Go on. What did he say?—A. He said, "Do not be afraid;" he says, "go ahead in."

Q. Did you go in?—A. Yes; I went in and I came out again.

Q. What happened when you went in?—A. I went in and called out my own name. That was not my precinct.

Q. What was your name at that time?—A. George H. Morse.

Q. And you were registered at that time from where?—A. 78 Poplar street.

Q. What happened when you went in?—A. I called out my name. They said, "This is not your precinct; you have not got a vote here;" so I walked out and walked down the street and voted.

Q. Didn't you say you were given a name to go in and vote on?—A. Yes; but I did not vote.

Q. Why did you call out your own name?—A. Because I got the money to vote on this man's name, and I walked in and fooled them and walked out again, and walked down the street.

Q. You just walked down the street?—A. Yes—

Q. You got the money?—A. To my own booth and voted.

Q. Where was your own booth?—A. Corner of Parkman and Blossom.

Q. How far was that from the booth you were at when you went in on this other name?—A. Well, just a block farther down the street.

Q. How long did it take you to go down there?—A. Well, it might take a minute or so.

Q. Did you meet anybody on your way down?—A. No, sir.

Q. Did you speak or talk with anybody at that booth?—A. No, sir; I walked right in and voted on my own name.

Q. You voted on your own name?—A. Yes, sir.

Q. Where were you living at that time?—A. At that time?

Q. Yes.—A. At 82 Leverett street.

Q. What is your name now?—A. George H. Morse.

Q. What was your father's name?—A. James J. Morse.

Q. Is not your name Bean?—A. What?

Q. Is not your name Bean?—A. Not as I know of; no, sir.

Q. You are positive of that?—A. I am positive; yes.

Q. So you took the 82 and fooled them and went out?—A. Yes.

Q. And voted on your own name?—A. Yes.

Q. Were you asked to vote at any time subsequently on that day?—A. What do you mean?

Q. Were you asked to vote by anybody else later on that day?—A. Oh, no.

Q. Were you asked to vote again?—A. No; just by those two parties.

Q. And that was the only time?—A. That was the only time.

Q. And that was the only time you voted?—A. That once; yes.

Q. And you do not know whether McTiernan went and voted or not?—A. I am not sure.

Q. Were you here in this dock yesterday afternoon when Mr. McTiernan testified?—A. Not yesterday afternoon; no.

Q. Friday afternoon?—A. Yes.

Q. You think so?—A. Yes, sir.

Q. Where have you been since Friday afternoon?—A. 107 Green street, in my own room.

Q. 107 Green street?—A. Yes.

Q. You are rooming at 107 Green street?—A. I am.

Q. Are you working?—A. Yes.

Q. What is your employment?—A. I drive team for the Jacobson Brothers.

Q. Where is Jacobson's place of business?—A. Corner of Poplar and Spring streets, West End.

Q. How long have you been driving for them?—A. Well, off and on for three years.

Q. Have you lived in Boston all that time?—A. Yes.

Q. Are you married?—A. No, sir.

Q. Do you live with anybody?—A. Yes.

Q. With whom do you live?—A. William Hobbs.

Q. William who?—A. Hobbs.

Q. Have you been working for the Jacobsons since Friday last?—A. No, sir.

Q. When did you leave?—A. I left him Thursday morning.

Q. For what reason did you leave?—A. Well, I heard about this trial, and thought I would take a few days off.

Q. You heard of this trial and thought you would take a few days off?—A. Yes, sir.

Q. From whom did you hear of this trial?—A. Well, I read the papers, and Mr. McTiernan told me about it.

Q. What paper did you read?—A. Well, I can not recollect what paper I read; I read it probably in one or two.

Q. Did you have any conversation about this case with anybody?—A. Yes.

Q. With whom?—A. With Mr. McTiernan.

Q. When did you have conversation with Mr. McTiernan?—A. On Wednesday night.

Q. Where did you have that conversation?—A. Well, I can not recollect just where, but I think it was on Green street, or Court street.

Q. Where?—A. On Green or Court; I am not sure.

Q. What was the conversation?—A. Well, he asked me if I would come here and testify, and I said, yes I would.

Q. You received no summons to appear here?—A. No, sir; I came of my own will.

Q. Came here on your own hook?—A. Yes.

Q. After consultation with Mr. McTiernan?—A. Yes.

Q. What time did you leave there to come here Friday afternoon, or Friday any time?—A. Leave Boston?

Q. Any place, to come here Friday.—A. Well, about half past 2.

Q. Half past 2. What time did you get here?—A. I think it was 3 o'clock, half past 3, or somewhere around there.

Q. Did you meet McTiernan here?—A. I saw him here.

Q. Did you meet him here? How did you meet him here?—A. Before.

Q. Did you have any conversation with him here?—A. No; I did not.

Q. In this court?—A. No.

Q. When, before Friday last, did you have your last conversation with McTiernan?—A. Thursday night or Wednesday night; I am not sure.

Q. Well, which night?—A. I would not say for sure now whether it was Wednesday or Thursday.

Q. What was that conversation?—A. Well, he told me he was coming over here to testify, and if I was willing to testify, to tell what I knew. I said I was.

Q. Is that all you said?—A. I told him first I was not willing to come, but as long as he came I thought I would come myself.

Q. Did you come with him Friday?—A. No, I did not.

Q. Came by yourself?—A. Yes, sir.

Q. What time did you think the hearing was going to be here on Friday?—A. I did not know.

Q. You did not know. Well, did you start in the morning?—A. No, I did not.

Q. Why not?—A. Well, I did not expect it would be in the morning; I thought it would be another time later in the afternoon.

Q. Did McTiernan, when he was talking to you, say that there was something in it for you to testify here last Friday?—A. No, sir.

Q. Never said anything like that?—A. No, sir; he did not.

Q. You never discussed any question like that?—A. No.

Q. You were not working, I understand, on Friday?—A. I was not; no.

Q. Have you got a bank account?—A. Well, no; I have not got any bank account.

Q. Did you have money to come over here on Friday last?—A. Yes; I have got money.

Q. Now, where did you start from to come here on Friday last?—A. Where did I start from?

Q. Yes.—A. Somewhere on Green street; I do not know where the notion took me.

Q. On Green street. The notion took you on Green street?—A. Somewhere down there.

Q. So it was a notion that took you on Green street that brought you here?—A. Well, what do you mean by "notion?"

Q. Well, was the result of that notion that you appeared here?—A. No; I had my mind half made up to come up here anyhow.

Q. But you only had it half made?—A. I told you before I did not want to come, but I thought as long as he was here I might as well come myself.

Q. Well, he was not here at that time, was he?—A. Oh, yes; he was here at that time.

Q. Did not this conversation take place some time Wednesday or Thursday?—A. What do you mean?

Q. The conversation with McTiernan. You say you had a conversation with McTiernan Wednesday or Thursday?—A. I did not come here Wednesday or Thursday. I came out here Friday.

Q. And you said you had a conversation Wednesday or Thursday with McTiernan?—A. Yes; to come out here.

Q. What time was it that you started from Green street?—A. I do not recollect. I think it was about 2 or so—about 2 o'clock.

Q. About 2 o'clock?—A. Yes.

Q. Did you come directly over?—A. Yes; I came directly over.

Q. Where did you start from Green street; where did you go to from Green street?—A. Right down through Court, down Hanover; took the ferry and came right in here.

Q. Did you walk?—A. Yes.

Q. Did you walk from Green street down to the ferry?—A. Yes, sir.

Q. Did you meet anybody on the ferry?—A. No, sir.

Q. Was there anybody with you on the ferry that you knew?—A. That I knew; yes.

Q. Who was with you?—A. My roommate was with me on the ferry.

Q. What is his name?—A. William Hobbs.

Q. And he rooms with you at this place?—A. Yes.

Q. Where did you meet him?—A. On the ferry.

Q. On the ferry?—A. Yes.

Q. Did you know what his business was on the ferry, where he was going?—A. He was coming over here, too.

Q. Was he to testify here?—A. No.

Q. He was not a witness here. Did you have any conversation with him about this case?—A. Yes, sir; we had a conversation about this case.

Q. You had a conversation about this case?—A. Yes.

Q. Was anybody present when you had that conversation?—A. No.

Q. Did you meet McTiernan coming over on the boat?—A. No, sir.

Q. You did not meet McTiernan coming over on the boat?—A. No, sir.

Q. Did you meet McTiernan at any time upon Friday?—A. Yes; I think I met Mr. McTiernan on Friday morning.

Q. What time Friday morning?—A. About 10 o'clock.

Q. Where?—A. On Green street.

Q. On Green street?—A. Yes, sir.

Q. How long were you with him?—A. I was only with him about five or ten minutes.

Q. Five or ten minutes?—A. Yes.

Q. Did you talk about this case, then?—A. Yes; we were talking about it.

Q. What did you say about it; what was the conversation between you?—A. He just said he was coming over here to tell what he knew.

Q. Did he ask you to come over here?—A. He said I might come if I wanted to.

Q. He said you might come?—A. Yes, sir.

Q. Was he your keeper?

MR. MALLEY. Well, now, I would like to object to that. We shall not advance at all under our agreement if such questions as that are asked if he was this man's keeper.

Q. What was the conversation you had?—A. Well, he said he was just coming over here to tell what he knew about this; that he did not want to get into any trouble about this, and he wanted to tell what he knew; that there might be trouble, and he didn't want to have any.

Q. Was that all the conversation?—A. Yes; that was all to that effect.

Q. And it took you ten minutes to go over that conversation?—A. Well, we may have had other conversation besides that.

Q. What was the whole conversation there upon that subject?—A. Must I answer that question?

Q. The whole conversation that you had with Mr. McTiernan, the witness who was here on Friday night.

BARNES, J. Yes.

A. Well, he asked me if I seen his wife that morning. I said no, I had not seen her. He said he was looking for her; two or three other things with reference to his wife, and that is all.

Q. Was that all the conversation?—A. Yes.

Q. Now, you were not at the American House yesterday with McTiernan, were you?—A. Yesterday?

Q. Yes.—A. No, sir.

Q. Were you with him on Friday last at the American House?—A. After the trial was over; yes.

Q. You went to the American House with him?—A. Yes, sir.

Q. And you talked about this case, did you not?—A. Well, yes, we talked about it.

Q. What did you say about this case? What was your conversation?—A. Well, I told him he was very foolish to bring up anything that led to his career—his past career—or things to that effect; that is all.

Q. How long were you with him then?—A. About half an hour.

Q. Where did you go from there?—A. From there?

Q. Yes.—A. I went home.

Q. And have you stayed at home since? Friday did you go home? Since Friday last?—A. Not every night, no.

Q. What night didn't you go home?—A. Well, I didn't go home last night.

Q. You did not go home last night?—A. No, sir.

Q. Where were you last night?—A. At the American House.

Q. Stopped at the American House?—A. Yes.

Q. Were you with anybody at the American House?—A. No, sir.

Q. With whom did you stay there?—A. I had a room by myself.

Q. How much did you pay for the room?—A. \$1.

Q. What name did you register under?—A. My own name.

Q. George — —A. — — H. Morse.

Q. George H. Morse?—A. Yes, sir.

Q. How long did you stay there in that room?—A. I stayed there until time to come here to-day.

Q. Is that the American House in Boston or in East Boston?—A. In East Boston.

Q. The American House in East Boston?—A. Yes.

Q. How much did you pay for that room?—A. \$1.

Q. Where did you get that dollar?—A. I earned it.

Q. Where?—A. Working for Jacobson Brothers.

Q. When was it paid to you?—A. Well, about a week ago last Saturday night.

Q. A week ago last Saturday night?—A. Yes.

Q. How much was paid to you a week ago last Saturday night?—A. \$12.

Q. \$12?—A. Yes.

Q. How much do you pay for room rent?—A. \$1.50 a week.

Q. Where you live?—A. Yes.

Q. How much do you pay for your board?—A. Well, I eat whenever I feel like it; at restaurants here and there.

Q. How much did you spend last week for eating?—A. I can not recollect. What do you mean? Last week?

Q. Yes, sir.—A. For eating?

Q. Yes.—A. I did not spend much, because I do not get out until about 9 o'clock; then I eat one meal, a cup of coffee in the morning; it might probably cost me a couple of dollars a week.

Q. You said you registered at the American House here in East Boston last night?—A. Yes.

Q. And you registered under the name of George H. Morse?—A. Yes, sir.

Q. How did it happen that you went to the American House?—A. Well, I wanted to be here in the morning for the trial; I did not want any of the other people to know I was coming here.

Q. What other people?—A. The Ward 8 people.

Q. Well, why?—A. Well, they might use means to keep me away from here.

Q. What means would they use to keep you away? What do you mean?—A. Well, I was not taking any chances on what means they might use.

Q. Well, you knew a lot of the people from Ward 8 would be here to-day and you knew that a lot of those people whom you say might take means to injure you would be here to-day. Do you expect to leave here to-day?—A. I certainly shall.

Q. Have you any fear about leaving here to-day?—A. No; I don't think I have.

Q. So that the fear you had of any injury from the people of Ward 8 only existed since during last night?—A. Well, I wanted to get here and tell what I know before I die.

Q. Now that you have told what you knew you do not fear death; is that it?—A. No; I do not; I can die with a clear conscience now.

Q. What time did you go to the American House last night?—A. About 9 o'clock.

Q. About 9 o'clock?—A. Yes, sir.

Q. Did you meet anybody there at that time?—A. No, sir.

Q. You did not meet anybody there at 9 o'clock last evening?—A. No, sir; nobody except the man I hired the room from.

Q. Did you say anything to him?—A. Yes; I told him I wanted a room.

Q. Did you bring any baggage with you?—A. No, sir.

Q. Did you speak to anybody else besides the man that you paid the money to?—A. No, sir; I went right up and went to bed.

Q. And had no conversation with nobody?—A. No, sir.

Q. Nobody gave you the money to pay for your lodging at the American House last night?—A. No, sir; I had money of my own.

(The testimony of the witness was here suspended.)

(Mr. Malley produced and offered the ordinary notice of intention to take the testimony of the witness, which was marked "Ex. 9, J. H. B.")

(Adjourned to Tuesday, March 3, at 1 p. m.)

TUESDAY, March 3, 1903.

Cross-examination of GEORGE H. MORSE resumed.

By Mr. CAMPBELL:

Q. Going back to the 4th day of November, 1902, election day, where did you say you were living on that day?—A. At 82 Leverett street.

Q. What time did you get up that morning?—A. Well, I don't remember what time I got up.

Q. What time did you leave the house that morning?—A. I don't know.

Q. You don't know what time you left the house?—A. No, sir.

Q. Were you working that day?—A. Yes.

Q. Where were you working?—A. Jacobson Brothers.

Q. What time did you leave them?—A. What do you mean, at night?

Q. What time did you leave that day?—A. Oh, I left at several times. I was on the team. I was in and out there all day.

Q. Did you go down to any of the booths that day?—A. On November 4?

Q. Yes.—A. Yes, sir.

Q. While you were out on the team?—A. No; not while I was out on the team.

Q. Where did you go when you were on the team?—A. Oh, I went around to different saloons collecting ice-cream freezers.

Q. What time did you get through?—A. I got through at 12 o'clock and took the afternoon off to vote.

Q. At 12 o'clock you got through?—A. Yes.

Q. Where did you go then?—A. I went up to Green street, stood around there for a while, and then I went up and met McTiernan after leaving off work.

Q. What time did you meet Mr. McTiernan?—A. About half past 2.

Q. About half past 2?—A. Yes.

Q. Where did you meet him?—A. On the corner of Williams court.

Q. Corner of Williams court? Corner of what?—A. They call it Pie alley.

Q. You say you met him at the corner of Williams court and what other place?—A. Well, there is a square there almost in front of city hall.

Q. Is it Court square?—A. Court square I guess they call it; I don't know.

Q. Where did you go from there?—A. I took a walk down to Green street, down to Staniford street.

Q. Was McTiernan with you all this time?—A. Yes.

Q. Where did you go when on Staniford street?—A. Went down toward the polling booth.

Q. Did you arrive at the polling booth?—A. Yes; we arrived there.

Q. What did you do when you arrived at the polling booth?—A. Well, we stood there for a while talking.

Q. Talking to whom?—A. Talking to ourselves.

Q. Anybody with you?—A. Mr. McTiernan was with me.

Q. Anybody besides yourself and McTiernan?—A. Not when we were talking; no, sir.

Q. That is the time I am asking about. What were you talking about?—A. We were talking about one thing and another, things in general.

Q. Were you talking about the election?—A. Yes; we were talking about the election.

Q. Were you what is known as a Keeliber man at that time?—A. Yes, sir.

Q. You were a Keeliber man?—A. Yes.

Q. Did your friend know you were a Keeliber man?—A. Yes.

Q. Then what did you do?—A. We stood there for a little while talking, and Mr. Kiley came up to McTiernan and asked if he voted.

Q. Asked him if he voted?—A. Yes.

Q. Was there anybody present at the time that Mr. Kiley and you and McTiernan were at the booth and he asked this question?—A. No, sir.

Q. Only the three?—A. Only the three of us at that time.

Q. And that is the booth on Staniford street?—A. Yes.

Q. Were there any officers in the immediate vicinity?—A. Well, there were, about 10 feet away.

Q. How far were you from the booth?—A. About 5 yards.

Q. Five yards?—A. Yes, sir.

Q. And when Kiley gave him the \$2 what did McTiernan do?—A. Well, he offered him \$2, and he said he was afraid to accept it to go in there and vote under that name.

Q. And he did not accept it?—A. Yes; he did.

Q. He did?—A. He did.

Q. What did he do?—A. He accepted the \$2.

Q. Where did he go?—A. I don't know. The two of them went away; I don't know what he done. He took the \$2 in my presence to vote.

Q. What two went away?—A. Kiley and McTiernan. I don't know where they went.

Q. Could not you see?—A. No. Somebody called me and I stopped to talk with somebody else.

Q. You turned your back and walked away?—A. I did not turn my back; I stepped right aside.

Q. If you did not turn your back, and if you stepped right aside, couldn't you see where they went?—A. No; it did not interest me. I just stopped to see some friends of mine.

Q. Who were they?—A. I do not know them by name, but I know them by sight.

Q. You don't know whether Kiley and McTiernan went into the booth or not?—A. I don't know; no.

Q. Did Kiley ask him if he was a Keeliber man?—A. Not in my presence.

Q. Where did you next meet Mr. McTiernan on that day?—A. About five minutes after that, after I left him.

Q. What time was it you left?—A. About quarter past 3.

Q. Quarter after 3?—A. Yes, sir.

Q. Where did you meet him the next time on that day?—A. When he came out.

Q. You said you left him at quarter after 3, didn't you?—A. Yes, sir.

Q. I say where did you next meet him?—A. Right about 25 feet from the polling booth.

Q. What polling booth—where?—A. On Staniford street.

Q. On Staniford street?—A. Yes, sir.

Q. What did you do there?—A. I said to McTiernan, "Take a walk over until I vote;" he said "Yes;" so I walked over, up through Lyman street and up Leverett and up Green and up Chambers and down to McLean.

Q. And he was with you all this time?—A. He was with me.

Q. When you met him the second time on Staniford street was anybody with him?—A. No; he was alone.

Q. Did you see where he came from?—A. No; he came out of the crowd; there was quite a crowd around the booth; he came up to me and spoke to me first.

Q. When you got up to the booth where you were going to vote did you meet anybody else up there?—A. The booth where I was going to vote?

Q. Yes.—A. What do you mean—where I intended to vote?

Q. Where you went with McTiernan when you left Staniford street.—A. I was going to my booth; I met somebody before I got to my booth.

Q. I asked you if you met anybody at the booth.—A. On the corner of Blossom and McLean?

Q. Where you were going to vote.—A. I don't know where it was; no; I did not meet anybody at the booth where I was going to vote.

Q. Did you go in and vote?—A. Yes; I voted.

Q. Did you meet anybody on the way up to the booth?—A. Yes, sir.

Q. Where did you meet them?—A. On the corner of Blossom and McLean streets.

Q. How far is that from the booth?—A. About 5 yards, I should judge.

Q. Whom did you meet there?—A. Met Jeremiah McCarthy.

Q. Did he come up and speak to you?—A. Yes.

Q. Was McTiernan with you when he came up and spoke to you?—A. Yes, sir.

Q. What did he say to you?—A. He asked me if I had voted.

Q. State the whole conversation that you had with him.—A. I told him "No," so he said, "Go ahead and vote;" I told him I had lots of time; it was not 4 o'clock yet; so he said, "Go ahead in and vote now." I said, "No; I have got lots of time," so he said, "Here; come here," and called me a little to one side—2 or 3 feet; "Here; here is a couple of dollars; go ahead and vote on this name I have got here;" he had a few slips of paper in his hand; he picked one of them out and gave me the name to vote on it, and he said, "Go in and vote on that name, come out again, and then go in and vote under this name." I told him I did not want to have anything to do with it; I would be apt to get into trouble about it.

Q. In the same booth?—A. In this booth; yes.

Q. He asked you to vote on another man's name?—A. Yes; he did not know me personally; he thought I voted there.

Q. What was the man's name?—A. I do not remember his name.

Q. And you did not go in and vote on the other man's name?—A. No; I did not.

Q. When did you go in and vote?—A. I voted about twenty minutes after I left him.

Q. After you left whom?—A. McCarthy.

Q. Did McCarthy give you anything for voting?—A. Yes; he gave me \$2.

Q. Where was he when you went in to vote?—A. He was in the booth up at the corner of McLean and Blossom streets.

Q. At this place where you voted on your own name?—A. I did not vote in that booth there, because that was not my precinct. My precinct was down at the corner of Parkman and Blossom.

Q. You went from there at Parkman and Blossom streets?—A. Yes, sir.

Q. And McCarthy had given you \$2 previously to go in at the corner of Blossom and McLean streets and vote?—A. Yes.

Q. And you did not go in and vote?—A. I did not.

Q. McCarthy was there that time?—A. He was there.

Q. Did he say anything to you for not going in and voting?—A. Well, he told me to go in and vote on this man's name.

Q. Did he say anything to you for not going in and voting?—A. He said, "Come right back and vote on this man's name."

Q. Didn't he tell you to go in and vote when he gave you \$2?—A. Yes, sir.

Q. And you did not go in and vote at that time?—A. No; I did not vote; I went in.

Q. You went away from there?—A. I went in there.

Q. You went into the booth?—A. Yes, sir.

Q. What did you go into the booth for?—A. Well, I had this \$2, and I went in there, and I called out my own name.

Q. Called out your own name?—A. Yes.

Q. McCarthy, you say, is identified with politics in that district?—A. Yes; he has been.

Q. Do you think he knew who voted in that booth, that he had the names of people who voted in that booth?—A. I do not know; if he did, he would have known that I voted in a different precinct.

Q. But he did not know what precinct you voted in?—A. No; he did not.

Q. Although he was identified with politics?—A. Yes.

Q. Had you seen him around there before?—A. Well, he has run for the council before.

Q. And when you went into the booth to vote on your own name, what did you do then?—A. I called out my name, and they said that was not my precinct, I had no vote there. I knew that very well; I walked out again and walked down the street.

Q. Did you go and tell McCarthy that you did not vote in that booth?—A. No; I told him my precinct was down the street, and I would be right back.

Q. You would be right back?—A. Yes.

Q. For what reason did you tell him you would be right back?—A. Well, he told me to be sure to be back to vote under this man's name. He knew I had the \$2. So I went down to my own booth and voted and did not come back.

Q. Did not come back?—A. No, sir.

Q. He allowed you to go with \$2 down to your own booth, and did not see you again that day?—A. Yes.

Q. What time did you vote in your own precinct?—A. I voted about quarter of 4.

Q. Was McTiernan with you when you went down to your own booth?—A. No, sir.

Q. You said McTiernan was present when this \$2 was passed to you by McCarthy?—A. Yes, sir.

Q. Was anything said to McTiernan at that time by McCarthy?—A. Yes; I think he offered him, if I can remember now—I think he offered him a dollar to go in and vote on another man's name.

Q. He offered him a dollar?—A. Yes.

Q. Then he cut the price?—A. Yes.

Q. He offered him a dollar?—A. Yes, sir; he offered him \$1.

Q. But he offered you \$2?—A. Yes.

Q. Was anything said?—A. I do not know what the conversation was that ensued between themselves.

Q. They had conversation?—A. Yes.

Q. You were right there?—A. Yes; I was right there.

Q. How near were you to them?—A. I was as near as I am to this man here.

Q. You do not know what they said?—A. I do not know what they said after the dollar—after he passed him the dollar.

Q. At the time you were present, you don't know what they said; is that right?—A. What do you mean?

Q. You said you were right near him, as near as you are to the stenographer here?—A. That is when he offered him the dollar.

Q. And that they had conversation?—A. Afterwards.

Q. After he offered him the dollar?—A. Yes.

Q. Immediately after?—A. Yes.

Q. While you were present?—A. Yes.

Q. Now, I asked you what did they say?—A. Afterwards I don't know what they said.

Q. Although you were right there present?—A. I was not listening then.

Q. You were not listening?—A. No.

Q. Were you looking?—A. They lowered their voices.

Q. Were you looking?—A. I was not present at all; I turned my back on them.

Q. Were you looking, I say?—A. No; I was not looking.

Q. You were not looking at the time?—A. No; I was not.

Q. What were you doing?—A. As soon as they got to talking privately, you know, lowered their voices, I turned my back.

Q. You turned your back?—A. Yes.

Q. How far were you from them when you turned your back?—A. About as far as—about 3 feet from them.

Q. Were you talking to anybody else?—A. No; I was not.

Q. Was there anybody near?—A. Well, they were near, but they were not near enough to hear what was said.

Q. How near were they?—A. About 10 feet.

Q. Who were they?—A. I did not know them.

Q. Were they men standing around?—A. Yes; voters, I suppose.

Q. Did you see where McCarthy went after he gave McTiernan this dollar?—A. I did not see him give him the dollar; I do not know whether he gave it to him or not; he offered it to him.

Q. You saw him offer a dollar?—A. Yes.

Q. Then you turned your back as soon as he offered the dollar to the other man?—A. I was not so interested after that.

Q. You know it was a dollar?—A. I know it was a dollar.

Q. How do you know it was?—A. Because I seen it.

Q. You saw the money he offered?—A. Yes.

Q. You did not see McTiernan take it?—A. No; I did not see him take it.

Q. How did he offer it to McTiernan?—A. He had it in his hand, and he said, "Go in and vote under this name. There is a dollar for you to go in and vote."

Q. And you were standing by looking and seeing the dollar?—A. Yes, sir.

Q. And did not see it taken?—A. No; I did not see it taken.

Q. What did McTiernan do then?—A. Well, they had some conversation among themselves there; I don't know what it was.

Q. Where did McTiernan go then?—A. He stood around talking with a few people around there.

Q. With a few people around there?—A. Yes.

Q. What did McCarthy do then?—A. I don't know what McCarthy done then; I can not recollect.

Q. Well, you recollect all the rest of this transaction; now, do you mean to say that you do not recollect what became of McCarthy?—A. No; there was quite a few people around the voting booth. Where there is a crowd a man can go around and lose himself.

Q. Did McTiernan lose himself?—A. He did; yes, sir, as far as I am concerned.

Q. Where did he go?—A. I don't know.

Q. You don't know where he went?—A. No; I don't know where he went.

Q. You did not see Mr. Kiley there after that, did you?—A. Yes.

Q. At that booth?—A. Yes.

Q. Where did you see Mr. Kiley?—A. When McCarthy was talking to him.

Q. Where did you see Mr. Kiley?—A. Well, Mr. Kiley came up—

Q. Mr. Kiley came up?—A. And he said—when I was telling him I was afraid, he said, "Don't be afraid, you know" —

Q. When you were telling who?—A. McCarthy. "Don't be afraid," he said, "we have got the police with us and the men behind the rail; so go ahead."

Q. So Kiley was there present at the time?—A. Yes.

Q. When McCarthy was talking to you and McTiernan?—A. Yes.

Q. So it is not the fact that you and McTiernan and McCarthy were the only ones there?—A. Well, we were there before Kiley came.

Q. When was this that Kiley came up?—A. I do not recall what time it was; I can not recollect all the time; it was about five or ten minutes we were talking when he came.

Q. Talking with McCarthy five or ten minutes when he came up?—A. Yes.

Q. What became of Kiley after that?—A. I don't know where he went. I went in there and came out again and went down to my own voting booth. I do not know what became of him after that.

Q. Was Kiley present when the dollar was offered to McTiernan?—A. No; he was not.

Q. It was after that that Kiley came up?—A. Yes.

Q. What did McCarthy do with the paper he offered you?—A. He held it in his hand.

Q. He did not give it to you?—A. He gave it to me and I gave it back to him.

Q. When did you give it back to him?—A. Just as soon as I read the name and the address.

Q. You gave it back to him just as soon as you read the name and address?—A. Yes.

Q. What did he do with it then?—A. Then he held it in his hand; I don't know what he did with it afterwards.

Q. Did you stay in the American House, East Boston, last night?—A. No, sir.

Q. Did you stay in East Boston last night?—A. Yes, sir.

Q. Where did you stay?—A. At the Maverick House.

Q. At the Maverick House?—A. Yes, sir.

Q. Was there anybody with you in the Maverick House last night?—A. No, sir.

Q. Do you know a person named John Conry?—A. John Conry?

Q. A brother of the present Congressman. What did I hear you say?—A. No, sir.

Q. You don't know him?—A. No, sir; I do not.

Q. Did you meet him?—A. No; I don't know him.

Q. Never saw him?—A. Never saw him in my life; I don't know him.

Q. Why did you leave the American House and go to the Maverick House?—A. Well, I was afraid there might be a few of these Ward Eight people around the American House looking for me, and I thought I would get out of the way and go over to the Maverick House.

Q. Did anybody go into the Maverick House with you?—A. Yes.

Q. Who?—A. A chum of mine.

Q. What is his name?—A. William Warner.

Q. Where does he live?—A. In the West End.

Q. When did you meet William Warner first?—A. What do you mean—last night?

Q. No; when you first met him. How long has he been a chum of yours?—A. For the last five years.

Q. Have you seen him since last Friday?—A. Yes.

Q. Where did you see him?—A. I saw him here in East Boston.

Q. Has he been with you since last Friday?—A. Oh, he has seen me.

Q. Have you consulted together since last Friday?—A. No, sir.

Q. Did he sleep in the Maverick House last night?—A. No, sir.

Q. Did you have any conversation with him about this contest?—A. Well, we had conversation enough to say I was going to be here and just tell what I knew about it, and that is all.

Q. Where did you have that conversation?—A. Well, here, there, and everywhere.

Q. Well, where is here, there, and everywhere?—A. Do you want me to name the street—any particular place?

Q. Whenever you had any conversation with him.—A. In front of the American House.

Q. In East Boston?—A. Yes.

Q. When did you have conversation with him there?—A. After the trial last night.

Q. What was the conversation about?—A. Just that I told him I wished he would take a day off and come over and be here.

Q. For what purpose?—A. Well, just to be here to see that everything was all right and to be here at the trial.

Q. That everything was all right?—A. Yes.

Q. What did you mean by that everything would be all right?—A. Well, that I don't get hit on the head.

Q. That you don't get hit on the head?—A. Yes.

Q. Is that what you meant by "everything would be all right"?—A. Yes, sir.

Q. How large a man is he?—A. Well, he is a little taller than I am—a couple of inches.

Q. When did you have the next conversation with him?—A. I do not recollect.

Q. What time was this conversation held in front of the American House?—A. About half past 5 or 6 o'clock.

Q. About half past 5 or 6 o'clock?—A. Yes, sir.

Q. And he left you then?—A. No; he stayed up with me until I went to bed.

Q. He stayed here with you?—A. Yes.

Q. After half past 5 where did you first go?—A. I took a walk up around through East Boston.

Q. Was he with you all the time?—A. Yes, sir.

Q. Where did you go?—A. I don't know just which way; I don't know one street from another.

Q. Did you go into any houses?—A. Yes; we went into several houses.

Q. What kind of houses were they?—A. Well, I don't know as I should answer that question.

Q. What kind of houses were they?—A. Am I compelled to answer that question?

DEAN, J. We think unless the answer would tend to criminate the witness he should answer it.

Q. What kind of houses were they?—A. Went into a saloon.

Q. Into a saloon?—A. Yes.

Q. How many saloons did you go into?—A. Oh, four or five.

Q. Did you go into any other places besides saloons?—A. No, sir.

Q. Only into saloons?—A. That is all.

Q. Did you meet anybody in the saloons?—A. What, to speak to them?

Q. Yes; to speak to them.—A. No, sir.

Q. Nobody but you and your friend went into these saloons?—A. That is all.

Q. Met nobody during all that time to speak to them?—A. No, sir.

Q. Did you go into any house besides these saloons?—A. No, sir.

Q. When did you first come over here to this trial?—A. When?

Q. Were you over here last Friday?—A. Friday? Yes, sir.

Q. With whom did you come over here?—A. I came alone.

MR. MALLEY. I should like to object to the question as having been asked three times before.

Q. Whom did you come over here with yesterday?—A. Yesterday?

Q. Yes; with whom did you come over here yesterday? Can't you remember yesterday?—A. I didn't come over with anybody.

MR. MALLEY. I would like the same objection noted to this question, that it has been asked before and is evidently intended for delay.

Q. Well, what is your answer?—A. I did not come over with anybody.

Q. Have you got a brother?—A. Yes, sir.

Q. What does he do?—A. He is a waiter at the Parker House.

Q. Was not he over here with you yesterday?—A. He was in the court room, but he did not come over with me.

Q. You saw him here?—A. I saw him.

Q. But he did not come over here with you?—A. No, sir.

Q. Do you say that he did not come over here with you yesterday?—A. Yes.

Q. How much did you say you got from Jacobson for working for him a week?—A. I got \$8 a week for work.

Q. Eight dollars a week?—A. Yes.

Q. Did you not get twelve?—A. I didn't say I got twelve. I can draw money whatever time I want to.

Q. Did you telephone to Jacobson yesterday?—A. I don't see as that has got anything to do with this thing at all.

Q. Did you telephone to him yesterday?—A. I came here to testify to what I saw on election day, and it has not got anything to do with yesterday or any day else.

Q. Did you telephone to him yesterday?—A. Yes; I did.

Q. What did you telephone to him about?—A. I told him to come over here in East Boston to meet me last night and give me funds.

Q. Give you funds?—A. Yes.

Q. For what purpose?—A. Why, to pay my way.

Q. Did you have any money when you went to the Maverick House last night?—A. Yes; I did.

Q. How much money did you have?—A. I had \$2.

Q. What was your room rent?—A. seventy-five cents.

Q. What did you mean by having Jacobson come over and give you money to pay your way?—A. Because I could not go over there.

Q. You had \$1.50 in your pocket?—A. I had \$1.50 in my pocket?

Q. Yes, \$2?—A. I had \$2 after he gave it to me.

Q. After who gave it to you?—A. Jacobson.

Q. Did Jacobson come over here last night?—A. Yes.

Q. He met you in the Maverick House?—A. Yes, sir.

Q. I thought you said you did not meet anybody in the Maverick House.—A. He did not meet me in the Maverick House, no.

Q. Where did he meet you?—A. Right outside the door.

Q. What did you say to him when you met him there outside the door?—A. I told him I was broke and wanted some money.

Q. Did you speak about this contest?—A. Yes, I told him.

Q. What did you say about this contest?—A. I told him I was going to be here and see it through.

Q. How long was he with you?—A. About ten minutes.

Q. Was there anybody else present at the time he came there?—A. Well, I don't know when he came there.

Q. When he met you?—A. Yes.

Q. Somebody else was present?—A. Yes.

Q. Who was present?—A. My friend Mr. Warner.

Q. You have not in any way spoken with the counsel for Mr. Conry in this case?—A. I have met him; yes.

Q. Where did you meet him?—A. Well, I have met him here in the court room.

Q. Was this the first place that you met him?—A. Yes, sir.

Q. When did you first meet him here?—A. I think it was yesterday afternoon.

Q. Yesterday afternoon?—A. Yes.

Q. Did you have conversation with him yesterday afternoon?—A. Yes.

Q. What about?—A. I told him I was coming here to testify in Mr. Conry's behalf.

Q. You told him you were coming here to testify in Mr. Conry's behalf. Did he send for you?—A. No, sir.

Q. Did Mr. Conry send for you?—A. Nobody sent for me.

Q. You came over here voluntarily?—A. Yes.

Q. You read about this contest in the papers?—A. Yes.

Q. And then came over here?—A. Yes, sir.

Q. What prompted you to come over here?—A. Well, I told you I did not want to get mixed up in anything; I don't know what there may be in the future; I do not want to get into any trouble about it, so I thought I would come and tell the whole truth and leave everything be known. Things may come up, you know, so I may get into trouble about it.

Q. You were not summoned?—A. No; I came of my own free will.

Q. You did not know you were summoned?—A. I was not summoned that I know of.

Q. What might come up that would injure you?—A. Well, you can not tell. The other people, they may say things that are not true.

Q. Who might say things that were not true?—A. Some of the Ward 8 men.

Q. Whom did you mean would say things that might not be true?—A. I do not know any particular one, but there may be some one of these Ward 8 men.

Mr. MALLEY. I understand my objection is noted to this on the ground that the witness is not a prophet and has not been qualified as such.

BARNES, J. Yes; the stenographer has been instructed to make a minute of all objections.

Q. About whom do you think they would testify, about yourself?—A. They may; you can not tell what they may do.

Q. I asked what you thought.—A. Well, I think they may go up and get some money and swear falsely against me.

Q. Against you?—A. Yes.

Q. Why should they pick you out?

(Objected to.)

Q. What would they say about you, those people that you refer to?—A. Well, I was afraid they might say something; I can not tell what they would say.

Q. What? What?—A. They may have made up a story between them that I got \$2 and went in there and voted.

Q. Do you think they would do that and produce testimony to testify against yourself that would injure yourself?

(Objected to as immaterial.)

Q. What is your answer?—A. Well, there is different ways of getting at the injuring of yourself and not injuring somebody else; they may, you know, say something that would not injure me or may not injure themselves, rather.

Q. Testimony that would injure yourself?

Mr. MALLEY. I understand my objection is noted to this whole line of inquiry.

Q. Answer "Yes" or "No."—A. Yes.

Q. Now, what would they testify to about you that would injure you?—A. Well, they might say I went in there and voted under another man's name.

Mr. MALLEY. The same objection.

Q. What would they testify?—A. They might say I went in there.

Q. What did you think they would testify to?—A. I am just trying to tell you, if you will give me half a chance.

Q. Go ahead.—A. I say they might say I went in there to vote on another man's name and voted in order to keep me out of the way.

Q. In order to keep you out of the way?—A. Yes.

Q. You were not summoned in this case, were you?—A. No; I don't know.

Q. How did they know that you were going to come in question here?

(Objected to.)

Q. Did you do anything on the 4th day of November last that would in any way cause you to be confined in any penal institution?

(Objected to.)

A. No; I did not.

Q. Then you did not sell your vote on election day?—A. No, sir; I did not.

Q. It is a fact that you came over here to testify so as to prevent anybody from testifying against you?—A. Well, I came over here to testify with the belief that they may use means which of course you don't know.

Q. I ask you a question; answer it yes or no. Was there any need of your watching the hearing?—A. Yes, yes.

Q. Your answer is yes?—A. Yes.

Redirect examination by Mr. MALLEY:

Q. Was this Mr. McCarthy whom you spoke to known as a Keliher man at the last election?—A. Yes; he was.

Q. Did I understand you to say in response to a question from Mr. Campbell that you came over here to testify in order to head off somebody else coming over to testify against you?—A. Yes, sir.

Mr. Malley called a number of witnesses, who were sworn.

JOHN F. CALDWELL, sworn.

By Mr. MALLEY:

Q. What is your name?—A. John F. Caldwell, sir.

Q. What is your business?—A. My business? Teamster; that is, I am a driver on a team; not exactly a teamster.

Q. Where do you live?—A. I live at 1 Lowell street, sir.

Q. Where did you live on May 1, 1902?—A. 1 Lowell street, sir.

Q. When did you first go to live at 1 Lowell street?—A. That was about three years ago; maybe a little more; I would not exactly say.

Q. Have you ever lived in any other place than at 1 Lowell street since three years ago?—A. Yes, sir.

Q. When did you live in 1 Lowell street the first time?—A. I should say three years ago; might be a little over.

Q. What month?—A. Well, I think that was around about April, I think.

Q. Are you a married man?—A. No, sir.

Q. Three years ago were you a married man?—A. No, sir.

Q. Before you lived at 1 Lowell street where did you live?—A. I lived at 36 Leverett street.

Q. How long did you live at 36 Leverett street?—A. It may be around three years, sir; may be four years.

Q. Before that where did you live?—A. On South Margin street, sir.

Q. How long did you live there?—A. Well, I think maybe about eight years altogether—maybe more.

Q. With whom did you live on South Margin street?—A. I lived with my aunt.

Q. What was her first name?—A. McGuinness.

Q. First name?—A. Mary McGuinness.

Q. Is she alive now?—A. No, she is dead, sir.

Q. With whom did you live at 36 Leverett street?—A. The same party.

Q. She moved?—A. She moved from South Margin street to 36 Leverett street.

Q. You lived with her?—A. I certainly did.

Q. You lived there about seven years?—A. Around that; I would not swear it was exactly.

Q. When did she die?—A. She is dead now, I guess, about three years or a little over.

Q. When you went to live at 1 Lowell street— A. What?

Q. When you left 36 Leverett street to go to 1 Lowell street did she remain living at 36 Leverett street?—A. No, sir; she was in Charles street then. I did not move to Charles street; no, sir.

Q. At the same time you moved to 1 Lowell street was that about the same time she went to Charles street?—A. She went to Charles street; yes, sir; she went down there and brought her family.

Q. Three years ago you went to live at 1 Lowell street?—A. About that; I don't say exactly three years ago, sir.

Q. About what month was it in the year?—A. I think around April, as far as I can say.

Q. The last of April?—A. No; it might have been April; it might have been March. To the best of my opinion it might have been the last of March; it might have been around April. I would not say for sure.

Q. Whom were you working for at the time?—A. I was working corner of Causeway and Medford streets.

Q. For whom?—A. Michael Delehan.

Q. What is his business?—A. Furniture mover.

Q. Working for him the whole time?—A. No, sir; I worked for Hersey & Welch, down on Hanover street.

Q. How long did you work for Delehan?—A. At that time, being there, I might do one job to-day—

Q. How long did you work?—A. At what time do you mean?

Q. When you went to live at 1 Lowell street.—A. I worked for him right on and off—right along there; been working off and on ever since.

Q. Do you mean a job every day?—A. Yes, sir; when a job came my way.

Q. Were you working every day for him?—A. Not for him; I will not say that.

Q. What proportion of the time for the last three years did you work for Mr. Delehan—I think you called him?—A. Yes; that is his name. When he had work to do, I did work for him; I would work for Mr. McKenna.

Q. When you went to 1 Lowell street, of whom did you hire your room?—A. John King.

Q. Is that a lodging house?—A. I suppose so or I wouldn't have got the room.

Q. Did you hire a separate room of him?—A. I hired a room myself.

Q. Where was the room located?—A. The room was at the top of the building.

Q. Did you occupy the room alone?—A. I did, sir.

Q. You have occupied that room alone for the last three years?—A. No, sir; oh, no; I have not been there all the time; oh, no.

Q. You went every year. How much did you pay for that room?—A. I paid \$1.25 a week for it.

Q. How long did you continue to occupy that room alone?—A. Well, that was according to circumstances.

Q. How long did you continue to occupy that room alone?—A. Well, maybe I would have it for a couple of months at a time.

Q. Well, now, we will get down, Mr. Caldwell, to the first time you went to Lowell street. You hired a room at the top of the building?—A. Yes, sir.

Q. And paid for it \$1.25 a week?—A. Yes.

Q. You hired from John King?—A. I did.

Q. How long did you stay there at that time?—A. I stayed there about two months, sure, at that present time.

Q. From about April to June?—A. You mean the first time?

Q. The first time you went there, two years ago.—A. I stayed two months there at that time.

Q. During the two months that you stayed?—A. During the first two months.

Q. During the first two months you stayed there did you occupy that room at the top of the house alone?—A. I did, sir.

Q. Occupied it by yourself during the first two months the first time you went there?—A. Yes.

Q. Then where did you go at the end of two months?—A. Where did I go then, sir?

Q. Yes.—A. Well, at that time, the time being, for the present—

Q. Where did you go?—A. Where did I go, sir?

Q. Yes.—A. Well, I went from one house to another.

Q. You went from 1 Lowell street to what house?—A. To 3.

Q. Did you occupy a room there?—A. I occupied a room for one night there.

Q. 3 Lowell street?—A. Yes.

Q. Of whom did you hire that room?—A. That man—I could not tell you exactly his name.

Q. You do not know who ran the house at that time?—A. I suppose Mr. King ran the house; I could not tell you.

Q. You hired a room from Mr. King?—A. I did not. I did not tell you that I did.

Q. Do you know whom you hired a room from?—A. I hired a room for one night there, until I got money enough to go and get my room; I went back the following night; I was not gone from there but one night.

Q. You left there some time in June?—A. I was there about two months.

Q. If you will just wait until I put my question.—A. I will, sir, without doubt, sir.

Q. You lived at 1 Lowell street in June?—A. Yes, sir.

Q. You spent one night in 3 Lowell street?—A. Yes.

Q. These houses connect, 1 and 3 Lowell street, do they not?—A. I suppose so; I do not know.

Q. They are practically all one house, aren't they?—A. I do not know, sir; I could not tell you that.

Q. And are kept by the same man?—A. Yes.

Q. John King controls 1 and 3 Lowell street?—A. Yes.

Q. Do you know John King?—A. Yes, sir; I do know him.

Q. Is he a member of the Hendricks Club?—A. I could not tell you, sir.

Q. Is he frequently seen in the Hendricks Club?—A. I could not tell you.

Q. Do you know what the Hendricks Club is?—A. I do not, sir; I do not know anything about it.

(Objected to as immaterial.)

Q. You have lived for three years in 1 and 3 Lowell street?—A. Off and on.

Q. Directly opposite is the Hendricks Club?—A. Yes.

Q. You do not know what the Hendricks Club is?—A. It is a clubroom; that is all that it is.

Q. Do you know it is a political clubroom?—A. I know it is something similar to that.

Q. That is all that you know about it?—A. That is all that I know about it; that is all, sir. I never bothered my head.

Q. After you slept at 3 Lowell street you went back to 1 Lowell street?—A. That is right.

Q. And slept in the same room?—A. That is right.

Q. How long did you continue to room there?—A. At that time I think I remained six or seven weeks.

Q. Where did you go after the six or seven weeks had expired?—A. Down to 116 Leverett street.

Q. Who ran that house?—A. A lady by the name of Mrs. Winn.

Q. How long did you stay at 116 Leverett street?—A. I do not know, sir; I think it may have been nine weeks—somewhere around there.

Q. After you got through at 116 Leverett street, where did you go?—A. Came right back, sir.

Q. Back to where?—A. To No. 3.

Q. Hired a room there?—A. Well, I paid him \$1 a week.

Q. Did you hire a room there?—A. I hired a bed there, if that is what you mean by a room. That is what you mean, is it? Yes.

Q. You hired a bed in a room?—A. Well, in a room; yes.

Q. How many beds were in there, in the room itself, when you hired?—A. When I hired there was another bed alongside of me.

Q. How long did you stay that time at 3 Lowell street?—A. Well, I have been staying there since; I am there now.

Q. The same room?—A. Yes.

Q. So that ever since the autumn or fall of 1899 you have been living in a certain room at 3 Lowell street?—A. Well, from 1899?

Q. From 1900?—A. I do not understand your question, sir.

Q. From 1900?—A. Oh, no.

Q. Where are you living now?—A. No. 3 Lowell street at present.

Q. Is that the same room that you occupied after you came back from Leverett street?—A. Yes, sir.

Q. Have you been living in that room from the time you came back from Leverett street two years ago continuously?—A. Well, I ain't been on Leverett street—what I mean is more than once; I am not thinking or talking about 116 Leverett street, that is, only a little short time—

Q. Have you been living continuously in 3 Lowell street in the last three years?—A. No, sir; I have not continuously; no, sir.

Q. Now, we will start back again.—A. Anyway you want it, sir.

Q. You are living in 3 Lowell street now?—A. At present; yes, sir.

Q. You are occupying a room there?—A. I am occupying it there.

Q. How many other parties are in that room?—A. One besides myself.

Q. How many men sleep in that room?—A. Certainly I can not stay up all night and wait to look to see; there is one other man sleeps there besides me.

Q. How many men do you know of sleeping there, Mr. Caldwell?—A. How many men in that room with me? Maybe sometimes there is two; sometimes there is three; sometimes I sleep there alone; I can not tell.

Q. How long have you lived at 3 Lowell street this last time?—A. It may be a couple of months.

Q. Two months back from this time?—A. Maybe a couple of months, may not; I can not swear what I saw there after once I came back.

Q. Where did you live in December?—A. In December?

Q. Last December?—A. Last December I think I was in 116 Leverett street, if I not mistaken; 116 Leverett street.

Q. How long had you been living there at that time?—A. Well, I should judge about, it may be nine weeks.

Q. Where were you living in October?—A. I was living in Lowell street.

Q. Where?—A. 3 Lowell street.

Q. How long?—A. Not 3, sir; No. 1 Lowell street, not No. 3.

Q. You were living in No. 3 Lowell street last October? How long had you lived at No. 1 Lowell street at that time?—A. Well, maybe at that time—I can hardly place it—it may have been three weeks.

Q. Where did you live before that?—A. Well, from one house to another.

Q. Did you go then, did you come into 1 Lowell street this last time you came from 3 Lowell street?—A. What, sir?

Q. How long previous to May 1, 1902, had you lived in No. 1 Lowell street?—A. Well, you want me to bring these last three years together.

Q. No; I am asking about last May.—A. At that time I was there—maybe a couple of months or a little more.

Q. Did you have a room to yourself there the 1st of May?—A. I did, sir; I did when my work happened to be with me, sir.

Q. How long after May 1, 1902, did you continue to live at No. 1 Lowell street?—A. Well, I think it would have been around there toward June, I believe.

Q. Then you went where?—A. Then I went from there to the other house.

Q. To 3 Lowell street?—A. Yes.

Q. How long did you stay there?—A. Well, I may have been there a very short time; I can not remember.

Q. Where did you go from there?—A. Then I went to 16 Leverett street or 116.

Q. How long did you live there?—A. Maybe about nine weeks.

Q. Where did you go then?—A. Came back again.

Q. To No. 1 Lowell street?—A. No, sir; No. 3 at that time.

Q. How long did you live at No. 3 at that time?—A. I can not exactly tell; it may have been two months or somewhere like that.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902 last, you were living—and that was your place of domicile on May 1—at 1 Lowell street?—A. Yes, sir; at 1 Lowell street; yes, sir.

Q. And had been living there previous to that time off and on for some three years?—A. Some three years; yes, sir.

Q. That is, sometimes you would have money sufficient to buy a room there?—A. Yes, sir.

Q. And a room would cost you how much?—A. A dollar and a quarter, sir.

Q. And sometimes you would have sufficient money to purchase only a bed there?—A. Only a bed, sir.

Q. How much would a bed cost you?—A. Cost me at the rate of \$1 a week, sir.

Q. That house No. 1 is practically a part of No. 3?—A. Well, yes; I believe so; yes.

Q. And you went from one house to the other?—A. To the other; yes, sir.

Q. In 1900, two years previous to 1902, you were living at 1 Lowell street?—A. At 1 Lowell street; yes, sir.

Q. And there was an election for Congress that year, do you recollect?—A. Yes, sir.

Q. Do you remember who was the Democratic candidate two years ago?—A. I do not; I do not hardly remember sir; it never bothered me much.

Q. But you went occasionally from 1 Lowell street to 3 Lowell street to sleep there, off and on?—A. Yes, sir.

Q. Going to either of those houses?—A. Yes, sir.

Q. And sometimes you would go to some other house, 116 Leverett street?—A. Yes.

Q. And you would sleep there?—A. I would, sir; yes, sir.

Q. And again you would go to some other house, and you would sleep there?—A. Not much for the last three years before; it was between those three houses.

Q. The last three years?—A. Yes, sir.

Q. But always upon the 1st of May in either one of those three years you were residing at 1 Lowell street?—A. Yes, sir.

Q. And that was your place of domicile?—A. Yes, sir.

Redirect examination by Mr. MALLEY:

Q. You did not go up and get assessed at city hall?—A. What, sir?

Q. You did not go up yourself?—A. I have been assessed right along.

Q. You were assessed in the general assessment in May?—A. I have been assessed right along for the last eight or ten years.

Q. Did you ever give your name to the assessors as living at Lowell street on May 1?—A. Yes, sir.

Q. Were you present when the assessors called?—A. I was once; I was present once.

Q. The other two times somebody in the house gave your name?—A. That I don't know, but my name has always been on the voting list.

Recross-examination by Mr. CAMPBELL:

Q. But you always left word when you were there?—A. Yes, sir; I always left word, if I could not be there, to have my name put down, because I don't know; a man who is working all the time, he don't know where he would be when the assessors came around, sir.

Q. And you left word?—A. I left word with the man who was running the house to have me assessed; I have always left word with him, sir.

Mr. MALLEY. Is Peter F. Carl here?

I offer this subpoena for Peter F. Carl, living at 1 Lowell street, served at his last and usual place of abode.

(The subpoena is marked "Ex. 10, J. H. B.")

Mr. CAMPBELL. I wish to state in connection with that that I have just been informed that Mr. Carl may be telephoned to at 195 Malden street. * * *

ANDREW J. COLLINS, sworn.

By Mr. MALLEY:

Q. Your name is Andrew J. Collins?—A. Yes, sir.

Q. You have been sworn?—A. Yes.

Q. Where do you live, Mr. Collins?—A. No. 3 Lowell street now.

Q. Where did you live on May 1, 1902?—A. I lived at No. 1 Lowell street.

Q. Where were you born, Mr. Collins?—A. Boston.

Q. How old are you?—A. 52 next April.

Q. How long had you lived at 1 Lowell street up to May 1, 1902?—A. Well, in the vicinity of four years.

Q. Continuously residing there?—A. Continuously.

Q. Did you occupy a separate room?—A. I did at alternate times.

Q. On May 1, 1902, did you occupy a separate room at 1 Lowell street?—A. I could not swear to that, but I am positive I was assessed there.

Q. Don't you know whether you were occupying a room at 1 Lowell street on May 1, 1902?—A. Yes; I am positive.

Q. What room?—A. Well, it was the top floor in the back portion of the house.

Q. The back room on the top floor?—A. Yes.

Q. Did you occupy it alone?—A. Yes.

Q. Anyone sleep in that room on May 1, 1902?—A. No, sir.

Q. How many beds were in the room?—A. There was only one that I know of.

Q. One bed. How much did you pay for it?—A. \$1.25.

Q. \$1.25 a week. Did you occupy that room for the week ending May 1, 1902?—A. I did.

Q. Alone?—A. Alone.

Q. Of whom did you hire the room?—A. Mr. King.

Q. John King?—A. Commonly called John King.

Q. He runs No. 1 and No. 3 Lowell street?—A. I presume he does.

Q. Is that a lodging house?—A. Yes, sir.

Q. What do you mean by "commonly called John King?" Is John King his name?—A. Well, John King is what I have always known him by.

Q. Do you know of his being called by any other name?—A. No, sir.

Q. Did you at any time give your name to the assessors of the city of Boston?—A. I told Mr. King if the assessors came around to give my name and residence.

Q. What kind of a place is 1 and 3 Lowell street; how many rooms are there?—A. I could not tell you anything about it.

Q. Did you have your meals at 1 Lowell street?—A. No, sir; they do not give any meals.

Q. Is it a place where they sell whisky?—A. I do not know nothing about it; I never drink any.

Q. Did you consult with anybody about testifying in this case?—A. No, sir; until I received a summons.

Q. Did you have any conversation with William H. Cuddy?—A. No, sir.

Q. Did you attend Sunday afternoon a meeting called in the Hendricks Club of the witnesses in this case?—A. No, sir.

Q. Do you know William H. Cuddy?—A. I know him by sight; yes.

Q. Do you know him to speak to?—A. Yes.

Q. Why did you say that you knew him by sight?—A. Well, I know him because I saw him.

Q. How many other ways do you know him?—A. Well, in other ways; that is the only way I know him.

Q. Mr. Cuddy is the man sitting here back of counsel for Mr. Keliher?—A. Yes.

Q. Where did you meet Mr. Cuddy?—A. I saw him coming to and back.

Q. From the Hendricks Club?—A. No, sir; on the street.

Q. To and from the Hendricks Club?—A. No, sir.

Q. Do you know where the Hendricks Club rooms are?—A. Yes.

Q. Directly opposite 1 and 3 Lowell street, are they not?—A. Yes, sir.

Q. That is the club which is the political organization of Ward 8?—A. I do not know nothing about it.

Mr. CAMPBELL. I object. It is immaterial.

Q. Do you frequent that clubroom?—A. No, sir.

Q. Were you ever in there?—A. Yes.

Q. When?—A. Well, I was there last election day.

Q. Last election day?—A. I went in.

Cross-examination by Mr. CAMPBELL:

Q. This John King who keeps No. 1 Lowell street is Edgard John King, and he is commonly known as John King; is that so?—A. Yes.

(Mr. Malley called John Doyle and, as he did not appear, offered a subpoena with the officer's return thereon, which was marked "Ex. 11, J. H. B.;" Mr. Malley also called Luke Fanning and, as he did not appear, offered a subpoena with the officer's return thereon, which was marked "Ex. 12, J. H. B.;" Mr. Malley also called Patrick F. Galvin and, as he did not appear, offered a subpoena with the officer's return thereon, which was marked "Ex. 13, J. H. B.")

EDWARD J. KANE, sworn.

By Mr. MALLEY:

- Q. What is your name?—A. Edward J. Kane.
 Q. You have been sworn here to-day?—A. Yes, sir.
 Q. Where do you live, Mr. Kane?—A. No. 1 Lowell street.
 Q. Where were you born?—A. In Brooklyn, N. Y.
 Q. How old are you?—A. Forty-three years old.
 Q. Are you the proprietor of No. 1 Lowell street?—A. Yes, sir.
 Q. And you also are proprietor of No. 3 Lowell street?—A. Yes.
 Q. By that I do not understand you mean that you are the owner of the buildings?—
 A. No, sir; simply lease them.
 Q. And you run No. 1 and No. 3 Lowell street as a lodging house, do you?—A. Yes, sir.
 Q. How long have you been running them, Mr. Kane?—A. Since about 1895.
 Q. I would like to ask you what your name is?—A. Edward J. Kane.
 Q. How many rooms are there in No. 1 Lowell street?—A. There are 15 rooms.
 Q. How many stories in the building?—A. Four.
 Q. The first floor—the ground floor—is occupied by a store, is it not?—A. Yes, sir.
 Q. On the story above that—the first story of the lodging house—how many rooms are there?—A. Five.
 Q. Describe what each is used for—that is, describe the use of the rooms?—A. We occupy one or two for ourselves.
 Q. You are a married man?—A. Yes.
 Q. And live there with your wife and family?—A. Yes; no family.
 Q. The front room is used as a sitting room or parlor?—A. Yes.
 Q. You use another room for a bedroom?—A. I have used the kitchen, the front room, and a small bedroom.
 Q. All on the first floor?—A. Yes.
 Q. There are no lodgers that sleep in the kitchen, are there, Mr. Kane?—A. No, sir.
 Q. Nor in the sitting room?—A. No, sir.
 Q. And the little bedroom is occupied by your wife and yourself?—A. That is all.
 Q. What are the other two rooms on that floor used for?—A. For people.
 Q. For lodgers?—A. Yes, sir.
 Q. How many beds are there in each of those two rooms?—A. On the first floor there is accommodation for three in each room.
 Q. My question is how many beds are in each room?—A. One double and one single.
 Q. That is, in one room there is a double bed?—A. And one single bed; and in the other room is just the same.
 Q. That makes two doubles and two singles on that floor let for lodgers by you?—
 A. Yes, sir.
 Q. Are those rooms generally occupied by three men apiece?—A. Always; yes.
 Q. Two men in a double bed and one in a single?—A. Yes.
 Q. On May 1, 1902, who slept in those two rooms?—A. In those two rooms?
 Q. Yes.—A. Well, I don't know as I could tell exactly the names.
 Q. How long have you been running this lodging house?—A. About eight years.
 Q. Do you keep any book or register?—A. No, sir.
 Q. Do you keep any book of account?—A. Yes; of the fares; that is all.
 Q. Do you keep any book containing the names of your lodgers?—A. I do not.
 Q. Do you in any way set down in writing the names of your lodgers?—A. If they wish to be assessed they give us their names.
 Q. But unless some one of the lodgers tells you he wishes to be assessed, you never take his name down in writing?—A. I have nothing to do with it at all.
 Q. On this night of May 1, 1902—I will repeat my last question—do you know who slept in those two rooms on the first floor?—A. There was about 23 people slept in that house on that night.
 Q. My question was who slept in those two rooms?—A. Well, there was Peter F. Carl, I think, John Doyle—
 Q. Where did Peter F. Carl sleep?—A. The first floor, I think it was; I can not tell exactly. They keep shifting from one house to another. It is really one house. There are two double houses together; 1 and 3 is one house.
 Q. Do I understand when you said 15 rooms, you mean 15 in this one house?—A. I mean 15 in one house; if you call it one house.
 Q. Fifteen in 1 and 3?—A. No, sir; there is 17 in No. 3 and 15 in No. 1.
 Q. In all 32 rooms?—A. Yes, sir; 32.
 Q. You have no lodging-house license, Mr. Kane?—A. No, sir.

Q. You were going on to say, in response to my question, as to who lived in those rooms on the first floor, that Peter F. Carl lived in one room that night?—A. Yes.

Q. How long had he lived in that house?—A. He had been there four or five years.

Q. Who else was on the first floor that night—lodgers, I mean?—A. On the first floor?

Q. Yes; those two rooms we have been speaking of.—A. Well, there was John Doyle and James Ryan.

Q. Who is John Doyle?—A. He has been there for a number of years.

Q. How many years has he lived there?—A. He has been there four or five years; I do not know but what longer.

Q. What does he do?—A. He is a waiter.

Q. Where does he wait?—A. Well, he is not at home now; he is in New York City.

Q. When did he go to New York City?—A. I think along last January; he has been gone about six weeks, I should judge.

Q. Did he sleep on the first floor, did you say?—A. I think he did.

Q. Where did Andrew J. Collins sleep?—A. He slept on the top floor—in the top attic.

Q. You had better describe now all that slept on the first floor on the night of May 1, 1902.—A. There was about six in all; I do not know that I could call their names just now. They keep going from one house to another and it is pretty hard to keep track of them. It is one house, really; it is a house with a large entrance in between. It is one house; the inspectors call it one house. It was not necessary when a man lodged at that house to come in another office, it was one house.

Q. You gave most of these names to the assessors, didn't you?—A. I think so.

Q. Gave them all?—A. We took no particular pains whether they lived in No. 1 or No. 3.

Q. You assigned them domiciles as you saw fit?—A. I took it as a double house.

Q. That is, as between 1 and 3 Lowell street, you chose which ought to be their domicile?—A. I didn't make any distinction; I simply made out the list as you have it now.

(Questions objected to as leading.)

Q. There were six people stopping on that floor?—A. Yes.

Q. You have named Peter F. Carl and John Doyle. What were the names of the four others?—A. James Ryan, Martin A. McNamara—

Q. Who else?—A. John Callahan.

Q. Who else?—A. Lawrence Sullivan.

Q. You have taken down no note of any particulars at all?—A. Simply took the names that they wanted simply to be placed on the roll.

Q. This is your recollection, that they slept in those two rooms?—A. As near as I can tell; I can not tell exactly.

Q. On May 1, 1902. I understand you can not tell exactly who slept in those two rooms?—A. Not exactly; I know they were there.

Q. Have you taken any special pains since being summoned here to refresh your memory on that question?—A. Nothing at all.

Q. Haven't thought about it?—A. Haven't given it any thought at all.

Q. Are you a member of the Hendricks Club?—A. I am not.

Q. Do you frequent the Hendricks Club?—A. I do not.

Q. Were you in the Hendricks clubroom Sunday night?—A. I was not.

Q. Sunday afternoon?—A. No, sir.

Q. I am referring to last Sunday?—A. I was not there.

Q. At any time within the last ten days, have you been in the Hendricks Club with most of the witnesses here?—A. No, sir.

Q. Consulting with Mr. Lomasney?—A. No, sir; I did not consult with them at all.

Q. Have you had any talk since being summoned in this case as to what you were going to testify to with Mr. Lomasney?—A. Nothing at all.

Q. Or with Mr. William H. Cuddy?—A. Nothing at all.

Q. You are a political associate of Mr. Lomasney?—A. No, sir; not at all.

Q. You know him quite well, do you not?—A. I have seen him; met him on the street; that is all.

Q. Last week you were on trial in the superior criminal court for keeping a lodging house without a license?—A. I was.

Q. And Mr. Lomasney was sitting with your counsel inside the rail, was he not?—A. He was.

Mr. CAMPBELL. I object that this is not material.

DEAN, J. I think if you intend to ask questions about a criminal case, really you ought to follow the rules of evidence and put in the record.

MR. MALLEY. I think my brother has pursued the same course in many instances.

DEAN, J. In what instance? I do not recall any instance where you have put in testimony in that way. There was one witness who confessed he had been convicted.

MR. MORAN. This man was acquitted.

DEAN, J. If he was acquitted I think it is only fair to him that that should appear in some form. I do not know that it affects the Congressional district, but I think it is only fair to him that it should appear.

Q. You are not a political associate of Mr. Lomasney?—A. I am not.

Q. He retained counsel, did he not, for this case in the superior criminal court?—A. He did not.

Q. You retained Mr. Michael J. Creed to defend that case, did you not?—A. Myself.

Q. You went with Mr. Lomasney to Mr. Creed's office to employ him, did you not?—A. I did not.

Q. Did you ask Mr. Lomasney to come up and sit with your counsel at the trial?—A. I did not.

Q. You don't know why he happened to be there?—A. I don't know anything about it; I did not ask him.

Q. But he was there, wasn't he?—A. He was there; yes.

Q. Now, who slept in the second story of your building, No. 1 Lowell street, on May 1, 1902?—A. I can not exactly recall the names just now.

Q. How many people slept there? And mind I am referring to, if you know, men over 21 years of age.—A. About 12.

Q. You don't know exactly?—A. Well, I do know this: There is accommodation for 12, and the beds were all filled; the rooms were all full.

Q. There was accommodation for 12 men on the second story?—A. Yes.

Q. For that reason you were quite sure that on May 1, 1902, the second story was fully occupied?—A. I certainly do, because they have always been occupied for the last two years.

Q. Especially on May 1?—A. Not particularly on May 1.

Q. Not particularly, but it happens?—A. Not at all; every room is occupied in both houses every night.

Q. You never have any vacant beds?—A. Probably one or two.

Q. You never have any vacant rooms?—A. No, sir.

Q. Now, 12 men slept in this second story. How many rooms are in this second story?—A. There are four.

Q. Are those all devoted to lodging-house purposes?—A. Yes, sir.

Q. How many beds are there in those four rooms?—A. There is accommodation: there is 1 double bed—2 double beds—and 1 single one in one room; in the next room there is 1 double and 2 singles; in the next two rooms there is accommodation for 2 apiece.

Q. What do you call accommodation for 2 apiece?—A. One double bed, a bed for 2.

Q. That is, you had 4 double beds and 3 single beds on that floor?—A. Four doubles and 4 singles.

Q. Those are—are those beds upon that floor of the regular— A. Regular beds.

Q. All uprights?—A. Regular iron beds.

Q. Are there any bunks on the floor?—A. Yes, sir.

Q. I mean what is commonly known as bunks?—A. No, sir.

Q. There are no shelves on the wall?—A. Oh, no; no.

Q. To sleep on. What are the names of the men that slept there?—A. I could not recall them just at present.

Q. Well, those men on that floor spoke to you about getting assessed, didn't they, May 1?—A. A man coming around and giving his name would not give the room he was in; I would know he was there the 1st of May; I would know he had been there for a reasonable length of time; I would assess him—

Q. You would assess him?—A. I would give his name; I would turn it in to the assessors; the people would be at work; they would not be present when the assessor came around.

Q. You put his name down on a slip of paper?—A. Oh, yes; and hand it in.

Q. Would you put his age down?—A. Take his record when he wanted to put his name on the list.

Q. What did you do with this piece of paper?—A. I made out a list and turned it in to the assessors.

Q. What did you do with that list?—A. Gave that to the assessors, probably.

Q. You have answered that question. To what assessors did you turn that in?—

A. I don't know; I ain't acquainted with any of them; so I don't know anything about it.

Q. Don't you know the names of the assessors of Ward 8?—A. I don't know anything about them; I don't know where they live.

Q. Was William Cuddy one of the assessors?—A. He was not.

Q. How do you know if you do not know anything about the assessors?—A. He did not call there for any business; that is all I know about it.

Q. Was it the same assessors who took those names from you May 1, 1902, as took it May 1, 1901?—A. I think so; one of them any way; the others I do not know.

Q. Don't you know his name?—A. I don't know him.

Q. How do you know he was an assessor?—A. Well, I supposed he had a right there; he came and called for the list.

Q. Take the list you gave him May 1, 1902. What did he say to you and what did you say to him when you gave him the names?—A. Well, they came in and said they were assessors; the same as any other officials; you have got to take them in that way.

Q. How many came in?—A. Three.

Q. Describe the appearance of each one of them.—A. Well, I could not tell exactly; I did not take any particular notice of them; in fact, I did not speak to them at all; I simply handed them the list; they checked it; I did not have any talk with them.

Q. They took the list and walked out?—A. They took it and put it down on the book and left it there.

Q. You do not know whether they were assessors or not?—A. I don't know anything about it; I supposed they were; I knew one of them by sight, that he had been on the year before; that is the only reason I had to know anything about it. I did not ask their names; I simply gave them the list and they copied it on the book, and they left the old list there.

Q. All you know about the assessment of the 12 men on that floor is this, that you passed a list of names to 3 men who came in and said they were assessors?—A. They were going from house to house along; I had seen them the day before.

Q. You had seen them the day before?—A. Certainly I had. I saw them going from one house to another making minutes.

Q. You can not now recall the names of any of those men on the second floor whose names you gave to these assessors?—A. They came down in the morning and wanted their names put on the list.

Q. My question is, You can not recall them now?—A. I do not know anything about it. I simply know they were there at that time, and I put their names down.

Q. You said there were 6 on the first floor?—A. Yes.

Q. And 12 on the second?—A. Yes.

Q. You said there were four double beds on the second floor and four single beds?—A. Yes.

Q. Do you remember any one man that occupied a single bed there that night?—A. I do not know; I could not tell.

Q. Do you remember any one man, any of the men that occupied a double bed that night?—A. I do not.

Q. Two men slept in each double bed?—A. Yes.

Q. You had four double beds?—A. Yes, sir; in each room.

Q. One man slept in each single bed, and there were four single beds?—A. Yes.

Q. And every bed on that floor was fully occupied May 1, 1902?—A. Yes, sir.

Q. Are they now?—A. Yes, sir.

Q. Are there now down there on the second floor of No. 1 Lowell street four double and four single beds?—A. I think there are; yes.

Q. Do you know?—A. I think I know; yes.

Q. You say there are, don't you?—A. Yes, sir.

Q. How many rooms are there in the third story?—A. That is the top story, or at least—

Q. Let me see.—A. Do you begin from the first or second?

Q. Underneath is a drug store on the ground floor?—A. Yes.

Q. Your first story is really the second story of the house?—A. Yes.

Q. And what we have called the second story is really the third story of the building?—A. Yes, sir.

Q. And there is only one other story above that, is there?—A. Yes, that is the top story.

Q. How many rooms are there on the top story?—A. There are four.

Q. How many beds are there there?—A. A double bed in each room.

Q. How many men slept in those four rooms May 1, 1902?—A. Two in each room.

Q. What were their names?—A. I could not tell their names exactly; I would not attempt to do it.

Q. Did you hear Mr. Caldwell testify here to-day?—A. I did.

Q. Did you hear him say he occupied on May 1, 1902, a room in the top story of No. 1 Lowell street alone?—A. He possibly did.

Q. You say he possibly did occupy a room alone?—A. Certainly.

Q. There was only a double bed for him to sleep in, wasn't there?—A. He has been coming there off and on so long I do not know exactly where he slept.

Q. There was only a double bed for him to sleep in?—A. A double bed, yes.

Q. Then there were only three rooms?—A. Yes, sir.

Q. Now, in each of those three rooms there was a double bed?—A. Yes.

Q. Did any other man occupy a room alone that night?—A. No, sir.

Q. Did you hear Andrew J. Collins testify?—A. I did.

Q. Did you hear him testify that he occupied a room on the top story of No. 1 Lowell street alone?—A. I did.

Q. Then you have only two rooms left where more than one man was sleeping on the night of May 1, 1902, haven't you?—A. It is one house, and they might possibly have got into No. 3.

Q. There were only two rooms left?—A. There was no distinction made between the two houses when the list was made out.

Q. No question is asked you.—A. I want to understand if it is one house or if it is two houses. Is it one house; is it a double house? Shall I let it go as one or two; that is all I want to know.

Q. I am asking about No. 1 Lowell street. You said there were fifteen rooms in No. 1; you put five rooms on the first floor— A. I want to understand. Does it go as one house or does it go as a double?

Q. It does not make any difference.—A. It does to me, sir.

Q. You will answer my question, and I will ask the magistrate to enforce silence.—A. Well, are you calling it one house or two, which?

Q. You have said that eight men slept on the top story of No. 1 Lowell street?—A. I did; yes, sir.

Q. You now wish to withdraw that statement?—A. I do not. I say we have got accommodation for that number of people.

Q. You have said there were four double beds on the top story of No. 1 Lowell street?—A. I have.

Q. Do you now wish to change that statement?—A. I do not. There is accommodation there for eight people.

Q. You have heard John F. Caldwell testify here that he occupied one room alone on the top story of 1 Lowell street. Have you any reason to believe that he was not telling the truth when he said it?—A. There is a good many people that don't know the difference. He possibly did not know the difference in the numbers. There is some people who do not know the difference between No. 1 and No. 3.

Q. That is the only reason you have?—A. There are some people who do not know whether they stay in 1 or 3.

Q. You say that when John F. Caldwell testified that he slept in a room on the top floor of No. 1 Lowell street he did not know what he was talking about?—A. If he knew what house he was in—possibly he did not know whether he was in 1 or 3.

Q. Do you claim to have a more particular recollection where a man slept on a particular night than the man himself?—A. I do not.

Q. You have heard Andrew Collins testify that he occupied a room on the top floor of No. 1 Lowell street?—A. Yes.

Q. Each of those four double beds was in a separate room?—A. Yes, sir.

Q. Well, if those two occupied separate rooms, you had only two rooms, with a double bed in each, for the accommodation of six men?—A. Well, eight men, of course.

MR. MORAN. You are misinformed about Andrew Collins. He said he lived at No. 3.

MR. MALLEY. He registered from 1 and said he lived at 3.

MR. MORAN. Well, go ahead your own way.

Q. So that if eight men slept there May 1, 1902, six slept in three rooms?—A. In four rooms; there was eight people in four rooms on May 1.

Q. How many people were there in the first room front on the top floor?—A. Two.

Q. Who were they?—A. I can not exactly tell the names now; I can not recall names.

Q. Can you recall any one of the names?—A. I can not.

Q. How many people slept in the room next to that?—A. Two.

Q. Can you recall any of those names now?—A. I can not.

Q. How many men slept in the room next to the last-mentioned room?—A. Two.

Q. Can you recall any of the names now?—A. I can not.

Q. How many people slept in the other remaining room?—A. Two, I think.

Q. You are not sure about that?—A. I am not positive. I know Mr. Collins and Mr. Carl slept up on that floor somewhere; I don't know what room.

Q. You know they occupied separate rooms, don't you?—A. No, I don't know whether they did or not.

Q. All you know is eight men slept there that night; you don't know in which room, where, or how?—A. Yes.

Q. And you took their names and turned them over to the assessors the next day?—A. They gave their names.

Q. How many men slept there on May 2?—A. Somewhere about twenty-three, I think.

Q. I am asking about the top floor.—A. About eight, I guess.

Q. Is that all?—A. About that.

Q. Is that as sure as you are about all of them?—A. Well, I am positive there were eight people.

Q. Did you give some order on May 2 when you gave the names to the assessors?—

A. I did not. The people gave their names themselves.

Q. How many men slept in the four rooms on the top floor of No. 1 Lowell street on April 30?—A. Eight people.

Q. Name any one of them.—A. Well, there was Mr. Carl and Mr. Collins.

Q. Name any others.—A. I can not quite recall the rest.

Q. Name any man who slept in the second story of 1 Lowell street on April 30, 1902?—A. I can not.

Q. Name any one who slept there May 1, 1902.—A. I can not.

Q. Name any one that slept there May 2, 1902.—A. I can not.

Q. Name any one man who slept in the two rooms on the first story.—A. That is the first floor as you come in?

Q. Yes.—A. There was Ryan, Carl, Hubbard—I don't know. There was others. I can not call their names now.

Q. I would like you to refresh your memory. Think a while.—A. There was Ryan, Carl—

Q. What was his first name?—A. John Ryan—Carl, Joseph N. Hubbard, Martin McNamara, Lawrence Sullivan.

Q. That is five, isn't it?—A. That is as far as I can go.

Q. Can you recollect the name of the other man?—A. I can not.

Q. How many men slept in your house last night?—A. No, 1?

Q. No, 1.—A. About twenty-five people.

Q. Every bed was filled last night?—A. Yes, sir.

Q. Do you remember a directory man coming around to your place at No. 1 Lowell street this spring?—A. I do not.

Q. At any time during the last year do you remember a man from the Boston city directory coming around?—A. I do not.

Q. As a matter of fact, your name does not appear in the directory as living at 1 Lowell street?

(Objected to.)

Q. Does your name appear in the Boston city directory?—A. I don't know. I never looked at it.

Q. Did you prepare any list of your lodgers to give to the city directory?—A. I did not.

Q. Was anybody ever present; was anybody present besides the three assessors who you say came in last May?—A. Nobody.

Q. Just wait until I finish my question—when you gave the paper to the assessors?—A. There was nobody.

Q. It had been the custom for the last three or four years for the assessors to come to you and get the names of the people who slept in your house on May 1, 1902?—A. Yes.

Q. They never consulted with the men themselves to see whether they lived there, did they, to your knowledge? They depended entirely on your list, so far as you know?—A. Yes, sir.

Q. Are you sure that you got all the names of every man in the house that slept there May 1, 1902, in 1 Lowell street?—A. Anybody that desired to be put on.

Q. Did you put all the names down?—A. I did not put down any except what they asked themselves; I did not bother about it.

Q. Then, besides the twenty-three people who slept there that night, there were other men that slept at No. 1 Lowell street that night?—A. No, sir.

Mr. CAMPBELL. The witness didn't say any such thing. I object.

Q. Then you did get all the names, did you not?—A. Not that stopped in those two houses.

Q. That stopped in No. 1 Lowell street?—A. I think I did; I don't know. I guess they all turned their names in. I do not know; I would not be sure about that.

Q. How many of those men whose names you say you gave to the assessors, whom you say slept there May 1, 1902, slept there May 2, 1902?—A. They were all there, I guess.

Q. What is your testimony on that?—A. Well, they were there.

Q. What do you know about that?—A. They were there.

Q. How do you know that?—A. Well, we had a steady gang all the time, steady people; might once in a while have a stranger; not many, though. I don't know that it happened on that one particular night.

Q. Then those twenty-three people were part of a steady gang whom you had right along?—A. They were steady people.

Q. Yet you can not recollect more than five names of this steady gang of twenty-three people?

Mr. CAMPBELL. He did not say that.

Q. Can you?—A. Not at present.

Q. I want to ask that just right. These twenty-three people made up part of a steady gang that you had steadily lodging with you around that time anywhere from one month to five years—I will put that one week—from one week to five years, what was the proportion that you think stayed there one week of those twenty-three, and those that stayed there five years?—A. Just put the question again, please.

Q. What was the proportion of that number of twenty-three that stayed there one week, and what proportion stayed there five years?—A. Well, possibly there was fifteen of those had been there for three or five years, and the others, probably six or seven of them, a few weeks.

Q. Now, you had fifteen for five years?—A. I could not tell exactly when they came there; I do not keep any record.

Q. I understand you of those twenty-three fifteen had lodged with you steadily for five years?—A. I didn't say nothing of the kind.

Q. Between three and five years?—A. I did not say anything of the kind.

Q. Of the fifteen men that you say were there for five years as your steady lodgers—

Mr. CAMPBELL. He did not say steady lodgers.

Q. Of those fifteen men that you say were there from three to five years steadily, you can recall now the names of only five; that is correct, is it not?—A. Well, yes, at present.

Q. And yet you got those fifteen men assessed May 2 by turning a slip of paper, which you drew up, over to some assessors whose names you can not remember and never knew?

Mr. CAMPBELL. He did not say that.

Q. Will you answer that question?—A. I did not testify anything about a slip of paper at all; I did not say anything about a slip of paper at all.

Q. Well, of those fifteen men who were with you from three to five years, how many did you register—did you cause to be assessed by giving their names to the assessors?—A. About twenty-one or twenty-three people; somewhere along there.

Q. You did not get twenty-one or twenty-three out of fifteen men, did you?—A. I didn't try to do that.

Q. Possibly you can do it in Ward Eight?—A. On May 1 there was possibly twenty-five people there; they came down and they gave their names to me, and I turned it in to the assessors, as they do in every place.

Q. You turned in the names of twenty-five men to the assessors?—A. I did not.

Q. How many did you turn in?—A. I could not tell exactly. You mean both houses?

Q. About how many, as near as you can recall?—A. Twenty-one or twenty-three; I do not know exactly.

Q. I am asking about No. 1 Lowell street. How many men did you turn in from No. 1 Lowell street?—A. Twenty-three.

Q. And those men had asked you to see that they were assessed?—A. They signed their name, and I turned it in.

Q. And those men had lived with you from three to five years?—A. I don't know exactly the time.

Q. About that time—for a considerable period; and you can only remember the names of five men out of the twenty-three you got assessed?—A. Well, there are a good many people you do not ask their names when they come into the house.

Q. You can now only remember the names of five men you got assessed?—A. I do not keep any register.

Q. You can now remember only five men out of the twenty-three that you got assessed on May 1, 1902? Answer the question yes or no, whether you can or can not remember. That is all you can remember, isn't it?—A. Oh, I guess I can remember more than that. How many did you get there that I did recollect?

Q. I am not going to instruct you.—A. How many have you got? I will see if I can not—

Q. How many names can you recollect of those you have got assessed from Lowell street other than those you have already stated?—A. How many did you say I had stated, five?

Q. You have stated the names of certain men here.—A. How many?

Q. That is not for me to answer. I am not testifying here. Don't you know how many names you have stated to us?—A. No.

Q. Did you testify you got thirty assessed?—A. I did not.

Q. I will put a question, then. Other than the names of the men that you have stated here to-day you can not remember any other names of the twenty-three men you got assessed May 1, 1902?—A. I guess I could by taking a little memory.

Q. You can not now recall anybody?—A. I don't know how many names you have got down there.

Q. You would want time to look it up?—A. Oh, I would not want any time at all—not a great deal, I don't think.

Q. A certified list of voters would assist you materially in remembering their names, would it not?—A. No; not at all.

Q. Have you any other written memorandum that would assist you in recalling the names of those voters in your possession?—A. I have not.

Q. Then the only written memorandum you would refer to to refresh your recollection would be a certified list of voters in that precinct?—A. It would not be necessary for that; I would have think it over.

Q. You would have to set your memory to work?—A. That is all I have got to go by.

Q. Haven't you set your memory to work since February 19, when you were summoned here to testify to-day?—A. I have never given it any thought.

Q. You read the newspapers, do you not, Mr. Kane?—A. Occasionally.

Q. You saw in the papers what the charges were as to colonization in your house, No. 1 Lowell street; you knew it was charged on your part that men had been registered from your house, the house which was controlled by you and run by you as a lodging house, which were the names of men who never lived there?—A. I didn't see any such thing at all.

Q. You knew that question was to arise, didn't you?—A. I did not know anything of the kind.

Q. You never thought about it?—A. Never gave it a thought; it did not interest me a particle.

Q. I understood you to say that you read in the paper that it was charged that a lot of men were assessed from your house that never lived there and never thought anything about it?—A. I never read anything of the kind.

Q. Did you ever have talks with Mr. Lomasney about this?—A. No, sir; I do my own business; I don't have any assistants.

Q. You received about sixty-eight subpoenas left there at your house, 1 and 3 Lowell street?—A. I did.

Q. And among those was a subpoena for yourself?—A. Yes.

(Objected to that it is a matter of record.)

Q. And these bunches of subpoenas were delivered to you by the same man?—A. I did not see who; they were thrown into the entryway; they were not delivered to anybody.

Q. And yet that did not set you to thinking about how many men slept in your house on May 1, 1902?—A. It did not interest me one particle.

Q. Did not bother you one bit?—A. Not one particle; not one particle.

Q. Did you testify in the superior criminal court last week?—A. I did not.

Q. As to what kind of a house you were running?

(Objected to that it is a matter of record.)

A. I did not.

Q. Did any other man other than the twenty-three whose names you gave to the assessors sleep in No. 1 Lowell street on the night of May 1, 1902?—A. I don't think so.

Q. Do you know anything about it?—A. I don't know.

Q. You don't know how many more men slept in 1 Lowell street that night?—A. Well, how many—

Mr. CAMPBELL. I object. It does not appear that any more slept there.

Q. You do not know how many more men slept in No. 1 Lowell street that night, do you?—A. How many more than what?

Q. Than the twenty-three who were assessed from there?—A. I do not think so.

Q. Do you know anything more than that about the matter?—A. There might possibly have been one or two more.

Q. You have not any recollection about it at all, have you?—A. No, sir; I have not.

Q. That is, you would not be in a position to contradict anybody who would say that fifty men slept there, would you?—A. I would, yes; if it was a matter of three or four, I would not.

Q. If there were three or four men slept there, where would they have a place to sleep?—A. I do not say they were there. They might possibly be in there.

Q. There was no place in the whole structure of No. 1 Lowell street for a man to sleep save the place occupied by a man who was officially assessed and registered as a legal voter, was there?

(Objected to.)

A. I did not quite understand that.

Q. (Question repeated.)—A. There was not.

Q. Now, I believe you say that No. 3 Lowell street was practically connected with 1 Lowell street?—A. Yes, sir.

Q. Just the same as one large house?—A. Yes.

Q. Only different numbers on the street?—A. Yes.

Q. And there was under your control, as a lodging house, No. 3 Lowell street, all as one establishment?—A. Yes, sir.

Q. How many rooms are there in 3 Lowell street?—A. Seventeen.

Q. Then in No. 1 and No. 3 Lowell street there are in all thirty-two rooms?—A. Yes, sir.

Q. How many rooms are there in business use in 3 Lowell street?—A. One small store.

Q. That occupies the ground floor of the building?—A. Yes, sir.

Q. Then above that comes what is really the first story of that establishment?—A. Yes, sir.

Q. How many rooms are on that first floor?—A. There are two rooms on that floor.

Q. What are those rooms used for?—A. Sleeping purposes.

Q. How many beds are in each of those rooms?—A. Accommodations for about ten people, I guess.

Q. How many beds are there?—A. Ten beds.

Q. Ten beds in those two rooms?—A. Yes, sir.

Q. Five beds in each room?—A. Yes, sir.

Q. Is each one of the beds a double bed?—A. No, sir.

Q. How many are double beds and how many are single beds?—A. Five of each.

Q. Five apiece? How are they distributed? Are there five doubles in one room and five singles in the other?—A. There is three double beds in each room; that makes a matter of twelve.

Q. Three double beds in each and five singles?—A. Three doubles in each room.

Q. How many singles in each room?—A. There is not any.

Q. That is, you have six double beds in the first story of No. 3 Lowell street?—A. That is right.

Q. That is, you wish to correct the statement that there are ten beds on that floor?—A. I do; yes.

Q. You now say there are six double beds?—A. Three double beds in each room, accommodations for twelve people.

Q. Three double beds in each room. How large is the front room there?—A. The first floor?

Q. The first floor we are talking about.—A. That is, the store do you have reference to?

Q. The first floor of your establishment. You have said there were two rooms upon the first floor of your establishment in No. 3 Lowell street?—A. Yes.

Q. Now, there is one room in back and one in front, is there not?—A. Yes, sir.

Q. How large is the front room?—A. Probably 18 by 20 feet.

Q. How many windows are in it?—A. There is not any windows in that room; that has a back door—one back door leading out of it.

Q. There are no windows at all in this room?—A. Yes; one besides the door which leads into the other.

Q. How many doors are there into it?—A. Two.

Q. Two doors and one window?—A. Yes.

Q. And a space of 18 by 20 feet?—A. About that.

Q. In that there are three double beds. Are there any toilet facilities there?—

A. Yes, sir.

Q. There is in that room also a toilet room?—A. No.

Q. A toilet closet?—A. Not in that room; no, sir.

Q. How high is the room?—A. About 12 feet studded.

Q. Who slept in those rooms?—A. I could not quite recall their names.

Q. Who slept in those rooms May 1, 1902?—A. I could not recall their names.

Q. How many men slept in the front room on May 1, 1902?—A. Six.

Q. That was all that could sleep there, was it not?—A. In that one room; yes, sir.

Q. And have a bed to sleep in?—A. Yes.

Q. What do you charge for sleeping in that room?—A. A dollar a week.

Q. A dollar a week?—A. A dollar a week.

Q. You used to put men in there for a single night, didn't you?—A. No, sir.

Q. Don't you ever let rooms there for a single night?—A. We never did.

Q. Have you not any price for a lodging for a single night?—A. We do not have any.

Q. Did you hear Mr. Caldwell testify that he stopped in No. 3 a single night?—A. For a dollar and a quarter a week.

Q. Did you hear him testify that he stopped there for a single night?—A. I did not. He did not stay there but a night.

Q. You never allowed men to stop there for a single night?—A. I did not.

Q. They had to stop a week if they stopped a night at your place?—A. They did.

Q. It did not make any difference whether they paid for a week or not, they could not get out for the other six nights, could they?—A. The fact you presume so does not make it so.

Q. Do you recall the names of any one of the twelve men who slept in those two rooms?—A. I do not.

Q. Did you give the names of those men to the assessors of the city of Boston to be assessed?—A. I did. They gave in their own names.

Q. They gave them to whom?—A. To the clerk or to me, either.

Q. Who is the clerk in your establishment?—A. John Callahan.

Q. Is he one of the witnesses summoned here to-day?—A. I guess he is.

Q. Do you know whether he is present to-day?—A. I don't know; I guess he is.

Q. How does he spell his name, do you know?—C-a-l-l-a-h-a-n?—A. Yes.

Q. How long has he been clerk for you?—A. Well, he is not clerk; he is night watchman; that is all.

Q. Do you have any clerk?—A. No; I don't have any.

Q. You do not have any bookkeeper, do you?—A. No; it is not necessary.

Q. How long has John Callahan been clerk or night watchman for you?—A. About three years.

Q. Has he any other business?—A. Not that I know of.

Q. What is his salary?—A. He gets \$10 a week.

Q. And he has lived there, has he, for the last three years with you as the representative of yourself?—A. No, sir.

Q. What are his duties as night watchman?—A. Simply to go around every hour and look out for the lights.

Q. Now, do you remember whether it was you or he who handed in to the assessors the list of names of men who slept in those two rooms on the first floor of 3 Lowell street?—A. I handed them in myself.

Q. The men came down and handed you their names?—A. They signed their own names.

Q. Did you have a piece of paper prepared for this purpose?—A. Not necessarily prepared for it.

Q. What did they sign their names to?—A. They signed their names to a piece of paper something similar to that.

Q. Was there anything about it, any statement?—A. Nothing at all; no, sir.

Q. They simply signed their names to a blank piece of paper. Was John Callahan's name on the list?—A. I think so; yes, sir.

Q. What did he have to sign his name for? He worked at the place, didn't he; was there all the time, wasn't he? He could have given his name himself to the assessors.—A. He sleeps in the daytime, and the assessors come in the daytime.

Q. He did not want to be waked up; can you recollect—I may have asked this before—can you recollect the name of any one of the twelve men that slept in those two rooms on May 1, 1902, whose names you gave to the assessors of the city of Boston for the purpose of being assessed?—A. I can not.

Q. Did you understand when you gave those names to the assessors of the city of Boston that you were vouching for the fact that they had a residence there?—A. They vouched for it themselves; they put it down themselves.

Q. They wrote their names?—A. That is their intention; it was not necessary for me to vouch.

Q. Did you understand you were vouching for them?—A. I did not understand anything of the kind.

Q. So that the only evidence that the assessors who took the names of men as having a home there in the two rooms on the first floor had, was the name on a piece of paper presented by you?—A. That is just what I turned in.

Q. They did not see any one of those men did they?—A. Some of them they saw.

Q. Now, the next question is, which ones of them did they see?—A. I could not say.

Q. How many rooms were there on the second floor of your establishment, No. 3?—A. Six.

Q. How many beds in those six rooms?—A. About twenty-four.

Q. How were they arranged; double beds?—A. Twelve doubles.

Q. Four double beds in each room?—A. About that.

Q. Four doubles?—A. Twelve double beds.

Q. In each room; how many were in each room?—A. Some rooms had four in.

Q. How many had four double beds?—A. Two.

Q. Two rooms of those six?—A. Four double beds.

Q. How many rooms had three double beds, if any?—A. There was not any.

Q. How many rooms had two double beds?—A. There was none.

Q. How many rooms had one double bed?—A. None on that floor.

Q. Then the other rooms had no beds at all but single beds?—A. There was accommodation for twenty-four people on that floor.

Q. You say there were six rooms on this second floor of 3 Lowell street; by the second floor I mean the second floor of your establishment?—A. The second from the street, in No. 3 or No. 1?

Q. No. 3; you said on the second floor of your establishment, which was the second floor of the building, there were so many rooms; now we go to the next story, and you say there were six rooms there and that in two rooms there were four beds?—A. Some of the rooms were thrown in together.

Q. That would be accommodation for eight people or sixteen people in those two rooms?—A. About that.

Q. How large was each of those two rooms?—A. I could not say exactly the size of them.

Q. Well, give your best judgment.—A. It is one floor.

Q. Were those rooms thrown together; was not there any partition?—A. Pretty near all thrown in together.

Q. Well, describe the room.—A. Well, they are simply thrown in together; that is about the way of them.

Q. Was the whole of this floor one big room?—A. Not all, no; but very near it.

Q. How many separate apartments were there?—A. There was but one that is not partitioned off, one small room.

Q. Where is that?—A. On one floor.

Q. There was one separate apartment what you called a room, and the rest you have included as the other five rooms; was that all one floor with no partition?—A. No partition.

Q. One big hall like?—A. Well, not exactly a hall; no.

Q. A dormitory?—A. Anything you have a mind to call it.

Q. In that one room, you had accommodation for how many people?—A. Twenty-four people.

Q. How were those accommodations made up?—A. Twelve double beds.

Q. That is, you had twelve double beds?—A. Yes.

Q. How much space was between each of the beds?—A. About 6 or 8 feet, some of them.

Q. An average of 6 or 8 feet?—A. Somewhere along there.

Q. Some were nearer, were they not?—A. I do not think so.

Q. The night of May 1, 1902, how many men over 21 years of age slept on that floor?—A. They were all occupied.

Q. Twenty-four men. Were those men all assessed, do you mean?—A. Anyone that felt like being assessed was assessed.

Q. Did you give in a list of the names of those twenty-four men to the assessors?—A. If they gave it in to me, I gave it to the assessors.

Q. My question was not conditioned. Did you give in the names of the twenty-four men that slept on that floor to the assessors to be assessed?—A. I do not know; there may have been some did not apply.

Q. Did you give in any?—A. Possibly I did not give them all in.

Q. How many did you give in?—A. I do not know. I gave in all that wanted to send their names in; I don't know how many.

Q. How many wanted to send their names in?—A. I do not know; I did not keep any record of it, no register, no nothing.

Q. Can you recall the names of any one of the twenty-four men that slept there May 1, 1902?—A. Not in that particular room.

Q. Can you recall the name of any one particular man that slept in that room?—A. I can not.

Q. — on May 1, 1902, whose name you gave to the assessors of the city of Boston? (Objected to that the question has been asked three or four times, and the witness says he does not know.)

Q. How many men slept in this other room on the second floor of this establishment?—A. Where are you now, on the second floor?

Q. We are on the same floor with the twenty-four men sleeping in one large hall.—A. Accommodations for twenty-four people.

Q. Did any men sleep in this little room?—A. Four.

Q. Then twenty-eight slept in that story?—A. Twenty-four.

Q. You had twelve double beds in one big room, didn't you?—A. Twenty in the dormitory, ten doubles in the dormitory, two doubles in here, making a matter of twelve, making accommodation for twenty-four people.

Q. On the next story above were how many rooms, on that floor?—A. About the same.

Q. How many rooms on that floor my question was.—A. Six.

Q. On this floor there was a space which originally had been taken up by six rooms?—A. Six rooms; yes, sir.

Q. In five of the rooms the partitions had been taken out, and it was thrown into one big room?—A. That is about it; yes.

Q. And then you had a little room that took up all the space on the floor?—A. Yes.

Q. How many men on May 1, 1902, slept on that floor?—A. About twenty-four.

Q. And you had ten double beds in this large room and two double beds in the small room?—A. That made accommodations for twenty-five or twenty-four, rather.

Q. There were accommodations for twenty-five and only twenty-four slept there?—A. Accommodations for twenty-four on that floor, and accommodations for twenty-four on the next floor, that is what you mean, is it? You call that the third or second?

Q. I am talking about the last-mentioned floor; that is the third of your establishment and the fourth from the street?—A. Twenty-four people.

Q. Did you hand in the names of those twenty-four people to the assessors on the 1st of May, 1902, to be assessed as voters of the city of Boston?—A. I did.

Q. Did you keep a list of the names you handed in?—A. I did not.

Q. Do you recall the names of any men who slept on that floor that night?—A. I do not.

Q. Whose names were given to the assessors of the city of Boston as having slept there?—A. I do not know.

Q. You can not recall anybody at all, can you?—A. I might possibly if I had a little time to think it over.

Q. You can not now recall, can you?—A. Just now, at the present time, no, sir.

Q. Is there another story to that thing, on that No 3?—A. One more story; yes.

Q. How many rooms on that floor? Is that the top story?—A. Five rooms.

Q. Are those five rooms—have the partitions been taken away?—A. No, sir.

Q. Five separate and distinct rooms?—A. Yes.

Q. With partitions between the several rooms?—A. Yes, sir.

Q. How many slept there on May 1, 1902?—A. About twenty people.

Q. How many?—A. About twenty.

Q. How many beds were there on that floor?—A. There is ten double beds.

Q. Are there ten double beds on that floor to-day?—A. Yes.

Q. All occupied?—A. Not now—not during the day; at night they will be.

Q. And of those twenty men who slept there on May 1, 1902, did you give the names of all of them to the assessors of the city of Boston in May, 1902, to be assessed?—A. I did.

Q. That is, out of the house No. 3 Lowell street you personally gave to the same men who said they were assessors—A. They were assessors.

Q. Whose names you do not know, the names of eighty men to be assessed as legal voters of the city of Boston?—A. I did not give that amount.

Q. You gave twelve on the first floor of that establishment?—A. I do not know.

Q. You said twelve roomed there in this establishment.—A. I do not know whether they wished to be assessed; I do not know whether they gave in their names or not.

Q. You gave twenty-four on the next floor.—A. I do not know.

Q. Well; you know that you gave some.—A. I do.

Q. You gave some from that floor.—A. Possibly.

Q. And you do not know how many you gave?—A. I do not.

Q. And therefore you might have given twenty-four?—A. I do not know.

Q. Well, do you know that you gave more or less than twenty-four from that floor?—A. I could not say.

Q. What is your judgment as to the number of names you gave?—A. Just the number of names that wished to be assessed I turned in to the assessors.

Q. Well, we will put it in this house at 3 Lowell street, exclusive of its connection with 1 Lowell street, on May 1, 1902, eighty men slept.—A. They did; eighty-three men.

Q. And of those eighty-three men you gave a large number of names to the city assessors for the purpose of having them assessed as legal voters in the city of Boston.—A. I did not have any purpose about it; I simply turned in their names.

Q. How do you know that there were eighty-three men that night there that night if you kept no books of record, we will say?—A. Well, we always fill up every bed; that is the way I know.

Q. Always what?—A. Always have our beds full every night; it has been so for the last two or three years.

Q. I believe you said you filled up every bed. Did you make that a particular custom on May 1 of this year?—A. I did not make any particular custom of it at all.

Q. If every bed was full that night there would be some eighty-three, there would be some eighty-six.—A. If they felt like turning them in.

Q. What?—A. If they felt like getting assessed, there would be eighty-three; if they turned in eighty-three names to me, I would turn them in to the assessors, because they had a perfect right there.

Q. You were at the election a Keliher man, Mr. Kane?—A. Am I compelled to answer that question, your Honor?

MR. CAMPBELL. I suppose the witness ought to know what is meant by "a Keliher man."

MR. MALLEY. I guess he knows, because he does not want to answer it.

THE WITNESS. What do you mean by "a Keliher man?"

Q. A Keliher man.—A. What do you mean by "a Keliher man?"

Q. Did you know that on November 4, 1902, there was a Congressional election in the district in which you live?—A. Yes.

Q. Did you know there were two candidates, John A. Keliher and Joseph A. Conry?—A. Yes, sir.

Q. Were you a Keliher man in that contest?—A. I do not know what constitutes a man being a Keliher man; I do not understand that. Do you mean did I vote for Keliher; is that what you mean?

Q. No; I do not mean that?—A. Well, what do you mean?

Q. Were you a supporter of Mr. Keliher before the election?—A. I was not.

Q. Were there pictures of Mr. Keliher around the house?—A. There were not.

Q. Do you mean to say—your establishment is called the Kingston House, is it?—A. Yes.

Q. Do you mean that from the Kingston House there were not pictures of John A. Keliher displayed at the time the campaign was on?—A. There were not.

Q. Nor were there any signs up there, "Vote for John A. Keliher"?—A. No, sir.

Q. Any pictures of Martin Lomasney displayed there during this campaign?

(Objected to as immaterial.)

A. No, sir.

Q. Did you have any conversation with any man in your establishment there with lodgers to instruct them how to vote?—A. I did not.

Q. Do you mean to say that you did not attend meetings at the Hendricks Club?—A. I did not.

Q. At the time of the contest between Keliher and Conry?—A. I did not.

Q. Were you ever inside the Hendricks Club?—A. Oh, once or twice.

(Objected to as immaterial.)

Q. Did you have any conversation with any man that stopped at your house as to whom they should vote for?—A. I did not.

Q. Upon election day were not you in attendance at various booths in Ward 8, various polling booths, to instruct men how to vote?—A. I was not.

Q. Asking them to vote for John A. Keliher?—A. I was not.

Q. Didn't you gather them in your house, and as lodgers instruct each one?—A. I did not.

Q. What precinct he was in and how he could vote?—A. I did not.

- Q. How he should vote?—A. I did not.
- Q. What precinct did you vote in?—A. Precinct 1.
- Q. Where is the booth located in that precinct?—A. Corner of Minot and Lowell.
- Q. Do you know a man named John Lee in that precinct?—A. I do not.
- Q. Did you talk with John Lee as to whom he should vote for on election day, Mr. Kane?—A. I did not; I do not know him at all.
- Q. You are not acquainted with any John Lee in Precinct 1?—A. No, sir; I am not.
- Q. And he never stopped at your house?—A. Never to my knowledge.
- Q. Do you know John F. Caldwell of 1 Lowell street?—A. I do.
- Q. Do you know Peter F. Carl?—A. I do.
- Q. Where did he stop May 1, 1902?—A. No. 1 Lowell street.
- Q. Where did John J. Smith stop?—A. I don't know anything about John J. Smith.
- (Objected to.)
- Q. Do you know where Andrew J. Collins stopped?—A. I do.
- Q. Where did he stop?—A. No. 1 Lowell street.
- Q. How long did he stop there?—A. He has been there about five or six years all told about that house.
- Q. Where did he live on May 1, 1902?—A. On the top floor, I think it was.
- Q. Did he have a separate room?—A. I could not say.
- Q. Do you know where Richard Williams, jr., stopped?—A. Yes.
- Q. Where?—A. Stopped on the second floor from the street.
- Q. What room did John Cleary stay in on the night of May 1?—A. Sometimes stayed in No. 3, sometimes in No. 1.
- Q. Where did he stay May 1, 1902?—A. I could not say; I think in No. 3. I would not be positive.
- Q. Do you know John Doyle?—A. I do.
- Q. Where does he live now?—A. He lives in New York City now.
- Q. Do you know John T. Eagan?—A. I do.
- Q. Does he live at your house?—A. Not at present.
- Q. Did he live there May 1, 1902?—A. He did not.
- Q. Did he live there after May 1, 1902?—A. I don't think so. He was there at one time. I do not know what time he went away.
- Q. Did you hand in the name of John T. Eagan to the assessors of the city of Boston as having stopped at your house on May 1, 1902?—A. I do not think so.
- Q. Do you know how his name got on the voting list?—A. I do not.
- Q. Did he ever stop at No. 1 Lowell street in 1902?—A. He was there at one time; he was there in 1901. I do not know about 1902.
- Q. Do you know how his name got on the voting list?—A. I could not say.
- Q. You did not give in that name, did you?—A. I do not think so; I might.
- Q. Know John T. Eagan stopped there May 1, 1902?—A. Well, he is a fellow that comes sometimes and stays a week and goes away.
- Q. He did not stop there May 1, 1902?—A. I would not want to say, because I do not know he did not stay there.
- Q. What does Luke Fanning do?—A. He is in the express business.
- Q. Where?—A. At Court square.
- Q. How long has he been stopping at No. 1 Lowell street from a time previous to May 1, 1902?—A. For three years.
- Q. Do you know Henry Clay?—A. Yes.
- Q. Where does he stop?—A. He stops at No. 3 Lowell street and No. 1. He has stopped in both houses.
- Q. Where did he stop on May 1, 1902?—A. No. 3, I think it was; I would not be sure. He stays in both houses.
- Q. I would like to get that answer?—A. I said I would not be positive.
- Q. Did you say he ever stayed at either one?—A. He stayed at either one of those two houses; I do not know which one.
- Q. What is your reason for knowing he stayed there, because you gave his name?—A. I know he was there; he has been there four or five years.
- Q. Do you know William McGee?—A. I do; yes, sir.
- Q. Where does he stop?—A. He stopped at No. 3, I think.
- Q. Do you know what he does?—A. He is working for J. T. Manning.
- Q. Do you know James Miles?—A. I do.
- Q. Where did James Miles stop on May 1, 1902?—A. No. 3.
- Q. Where did William McGee stop May 1, 1902?—A. At 3, I think.
- Q. Where did John J. Mellefont stop May 1, 1902?—A. He was in No. 1.
- Q. Where did Richard C. Williams stop on May 1, 1902?—A. No. 1.
- Q. Where did John J. McCarthy stop May 1, 1902?—A. No. 3.

Q. Do you know Nathaniel Reed?—A. I do.

Q. Where is he living now?—A. He is waiting time, I think, at Charles street jail.

Q. He is waiting time?—A. Bound over; yes.

Q. You mean he is under criminal sentence?—A. Yes, sir; he is bound over, I think.

MR. CAMPBELL. I object to all this as hearsay.

Q. Where did Nathaniel Reed stop May 1, 1902?—A. No. 3.

Q. Do you know John Connors?—A. I do.

Q. Where did he stop May 1, 1902?—A. No. 3.

Q. Do you know when Nathaniel Reed was arrested?

(Objected to, that it is a matter of record.)

A. I do not.

Q. When did you hear that he was waiting time, as you call it, being bound over?—

A. Probably four weeks ago or five.

Q. On November 4, 1902, was he waiting time?

(Objected to.)

A. He was not.

Q. Do you know Edward A. Crocker?—A. I do.

Q. Where did he live May 1, 1902?—A. No. 3.

Q. How long did he continue to live with you after May 1, 1902?—A. Probably a couple of months; I do not know exactly when he went away.

Q. Was he in Boston November 4, 1902?—A. I think he was.

Q. Do you know he was?—A. I am pretty sure of it; yes.

Q. Did you see him?—A. I would not be positive about that.

Q. When did you last see him?—A. This last—

Q. When did you last see Edward A. Crocker stop at your house?—A. About four weeks ago.

Q. Where?—A. He was in my house.

Q. Do you know where he lived November 4, 1902?—A. I could not say.

Q. Do you know that you sent a man to vote on his name November 4, 1902, when he was in New York, Mr. Kane?—A. I do not know anything of the kind.

Q. You know he did not live in your house November 4, 1902, don't you?—A. At this present time I would not be sure about it.

Q. You are pretty sure that he did not, aren't you?—A. Pretty sure.

Q. You know that his name was voted upon, don't you?

(Objected to, that it is a matter of record.)

A. I don't know anything about it.

Q. Do you know William J. Lee?—A. I do.

Q. Where did he stop last May, the 1st of May?—A. No. 1 or No. 3; I won't be sure.

Q. What does he do?—A. He is a polisher of some kind; I forget what he does do.

Q. Did he ever work for you?—A. He did not.

Q. Do you know Patrick F. Galvin?—A. I do.

Q. Where did he stop May 1, 1902?—A. No. 1 Lowell street.

Q. What room did he occupy?—A. I think on the second floor, the first or second; the second, I think it was.

Q. Which will you have it?—A. The second.

Q. Do you know James D. Lucy?—A. I do.

Q. Where is he stopping now?—A. At present I do not know where he is at the present time.

Q. When did you last see him?—A. About a week.

Q. Was he stopping at your house a week ago?—A. He was.

Q. At No. 1 Lowell street?—A. No. 3.

Q. He was sentenced for three months in the house of correction, was he not?

(Objected to.)

A. I do not know anything about that.

Q. Was he not sentenced November 4, 1902, to a penal institution, do you happen to know? If you know, will you answer that question?

(Objected to.)

A. I do not know anything about it.

Q. Then you do not know that he was stopping at your place at 1 Lowell street on November 4, 1902, do you?—A. I do not know; I could not say.

Q. When did he leave your place as his domicile, hearthstone, and all that?—A. I did not keep any record of it; I could not say.

Q. About when? Do you know anything about it?—A. I have not any knowledge about when he did leave.

Q. Do you know when he came to your place?—A. Yes; he has been there four or five years.

Q. He has been there four or five years living at your house?—A. At different times.

Q. Always lived at 1 rather than 3?—A. 1 and 3.

Q. Migrated between the two? Ever have any particular room?—A. No.

Q. Ever have any particular bed?—A. No.

Q. No particular bed?—A. Not that I know of; no.

Q. During those five years, as far as you know about, as landlord of the house where he lodged, that man had no particular bed and no particular room?—A. I did not keep any set room for him; when he came there he had a room.

Q. When he came there four or five years?—A. He was not there steady four or five years; he was there off and on.

Q. When was the first time you saw him?—A. About a week.

Q. How long previous to that was it that he left your residence or establishment, 1 Lowell street?—A. I could not say; have no knowledge about it.

Q. About how long?—A. I do not know anything about it.

Q. How long after May 1, 1902?—A. He was there possibly along in July, I think, June or July; somewhere along there.

Q. What fixes that in your mind?—A. Nothing particularly. You wanted to know what time, and I have answered as near as I could.

Q. In what room did he sleep on May 1, 1902?—A. I could not say.

Q. What number did he sleep in?—A. I could not state.

Q. Of the eighty-two men assessed there through your agency in Lowell street—Mr. CAMPBELL, I object.

Q. Assessed in the manner you have described, how many do you remember, how many names do you remember?—A. I do not know that I could repeat them right off. What do you want me to do, repeat them right off?

Q. Yes.—A. I can not remember.

Q. Repeat all you can repeat.—A. Well, I—what do you want, different numbers?

Q. I want their residence after each name, where they lived.—A. I disremember.

Q. You can not remember?—A. Well, when the assessment went in it went in as one house, and there was no objection until this present time about 1 or 3.

Q. When the assessment went in, Mr. Kane, you put in a batch of eighty-two names as from one house, did you?—A. Supposed to be from one house.

Q. How did they happen to get upon the voting list as some from 3 and some from 1?

(Objected to, that it is a matter of record.)

A. He is interrupting me all the time. I don't know.

Q. Who is interrupting you?—A. This man sitting here, this man here; he is watching me, with the ex-Congressman, Mr. Conry.

Q. Mr. Harrington appears here as counsel.—A. Is he counsel?

Q. Mr. Kane—A. Well, if you will talk a little louder. He is interrupting me.

Q. Is that the only reason you can not remember the names of these men?—A. If he keeps quiet probably he would not be interrupting me.

Q. You say these eighty-two names went in in a bunch to the assessors?—A. I did not say they went in in a bunch; no, sir.

Q. You gave one list containing eighty-two names to the assessors, didn't you?—A. Yes; one list.

Q. At the same time?—A. Yes.

Q. And when you gave that list there was nothing on the list to show whether they lived at 1 Lowell street or 3 Lowell street?—A. I do not know as they made any difference.

Q. And the assessors did not take any exception, did not make any exception to that list?—A. No, sir.

Q. And later you saw the voting list, didn't you? You saw the voting list, didn't you—the voting list?—A. No; I did not.

Q. You now know that certain names have been registered?—A. I do.

Q. As having stopped at your establishment, and that some names have been registered as now stopping at 1 Lowell street?—A. There are several registered as stopping at 3 Lowell street.

Q. Do you know how that came about?—A. I do not.

Q. Did you have anything to do with it?—A. I had not.

Q. Do you know anybody who had anything to do with it?—A. I do not.

Q. Did Martin Lomasney have anything to do with it?—A. He had not.

Q. To your knowledge?—A. He had not.

Q. Do you know whether the assessors did it themselves or not?

(Objected to.)

A. I did not.

Q. Now, I would like to ask you to repeat the question I put to you—I want you to recollect perfectly—did you at any time, or on May 1, 1902, know the names of the assessor or assessors of the city of Boston that took that list of eighty-two names from you?—A. I know two of them by sight; well, I know they were assessors.

Q. Do you know their names?—A. I could not tell their names.

Q. How frequently have you seen them?—A. Possibly once a year.

Q. Were they the same assessors in 1902 as the assessors in 1901?—A. There was one of them, anyway.

Q. Do you know that they live in Ward 8?—A. I do not; no.

Q. Do you know that they are members of the Hendricks Club?

(Objected to as leading.)

A. I do not know.

Q. How many years to your knowledge have they been assessors covering the district in which you live, at 1 and 3 Lowell street?—A. I could not say.

Q. How many times while you have run that establishment there have they visited your house?—A. They have been there year after year.

Q. How many years?—A. Eight years, I guess.

Q. For eight years; have they been the assessors for eight years?—A. I couldn't say.

Q. What is your recollection?—A. I do not know anything about it.

Q. You see those men, don't you?—A. I see them from time to time.

Q. You can say whether they were the same men as the year before, can't you?—A. I could not tell anything about it.

MR. MALLEY. I will suspend this examination for the time being and recall the witness again.

Cross-examination by Mr. CAMPBELL:

Q. How many men can you accommodate at your place, 1 and 3 Lowell street?—

A. About 130 people.

Q. In the two houses?—A. Yes.

Q. In No. 1 Lowell street how many can you accommodate?—A. About 30.

Q. And the balance you can accommodate in No. 3?—A. Yes.

Q. When you speak about double beds, will you explain just what you mean by that?—A. Made right in the form of a berth, the same as on a steamboat, one right over the other.

Q. One right over the other?—A. Yes.

Q. They are not attached to the wall, are they?—A. They are not.

Q. They are built separate from the wall and may be moved about the room to any section of the room you choose?—A. Yes, sir.

Q. And when you say a "double bed" or say that two men are sleeping in a double bed, you mean that one man sleeps in the lower compartment and the other man sleeps in the upper compartment, right over it?—A. Yes, sir.

Q. Has the board of health examined your place?—A. Yes.

Q. When did they last examine it?—A. Along in February or January—about the 1st of January.

Q. When before that did they examine it?—A. They come about twice a year.

Q. Twice every year, and they have never objected to the condition of these places, 1 and 3 Lowell street?

(Objected to as too remote.)

DEAN, J. It is a matter of record, I suppose.

Q. On the 1st of May each year since you have been there certain men come to you and say they are assessors?—A. Yes, sir.

MR. MALLEY. I would like to have you note the familiarity with which my brother asks how it is done. I would like to have that go on the record.

MR. CAMPBELL. I have read something; perhaps you have not.

Q. Did they have any books with them?—A. They did.

Q. And did they in your presence mark those books?—A. They did.

Q. Did they do that subsequently to your handing them the list of names?—A. I was present there when they took the names.

Q. And that is the custom every year?—A. Yes.

Q. Do you see yourself about that?—A. Yes, sir.

Q. Now, these men who stay at your place, they come there occasionally and stay there a week or so at a time?—A. They do; yes, sir.

Q. And they go away and come back again?—A. Yes, sir.

Q. They may stay for any period between a week and a year?—A. Yes, sir.

Q. And it is the custom of a great many men to come there some times just previous to the 1st of May and to hand in their names to you and ask you to give them to the assessors when they shall come around?—A. Yes.

Q. That they may be assessed as living in that place, 1 and 3 Lowell street?—
A. Yes, sir.

Redirect examination by Mr. MALLEY:

Q. Have you any objection to having a photograph taken of those double beds you have down there?—A. I have not.

Mr. CAMPBELL. I object.

Mr. MALLEY. He has not any objection.

Mr. CAMPBELL. I object; it is immaterial.

Q. When the board of health came around were the bunks just as Mr. Campbell testified they were?—A. Just the same.

Q. Did the police ever visit your place?—A. Not very often; once or twice.

Q. Quite frequently, don't they?—A. No; about once a week on the average.

Q. They visited you about a month ago for not having a license?—A. That was the first time.

Q. And when they left they took you with them, didn't they?—A. They did not.

Q. Have they ever raided the place while you have run it?—A. Never did.

Q. For illegal sales of liquor?—A. Never did.

Q. Do you sell liquor?—A. I do not.

Mr. CAMPBELL. I object.

Q. Will you answer the question? Do you sell liquor there?

(Objected to.)

A. I do not.

Q. Have you ever sold liquor there?

(Objected to.)

A. I have not.

Q. Do you allow gentlemen accompanied by ladies to stop in your house?

(Objected to as immaterial.)

A. I do not.

Recross-examination by Mr. CAMPBELL:

Q. When the officer came there this last time, will you state the circumstances connected with that?—A. He came in and he said he had a warrant to search the premises for liquor. I said, "Go ahead." "Well," he said, "I will tell you; I would like to know how many people you can accommodate in those two houses."

Mr. MALLEY. This I object to as immaterial.

The WITNESS. I said, "What is the reason for that?" "Well, for some reason or another, but I want to know how many you can accommodate in these two houses." I said, "Go ahead and find out; count them up." And I went with him.

Q. And he counted them up and found out?—A. He found out; yes.

Q. This time that you were arrested, that the counsel for Mr. Conry refers to, were you acquitted at that time?—A. I was.

Q. In the superior court of the city of Boston?—A. I was.

Q. You were acquitted on the charge that was preferred against you?—A. I was.

Q. What was the charge?—A. Maintaining a lodging house without a license.

Mr. MALLEY. I want my objection noted to all this.

Q. (By Mr. MALLEY.) It was after the police counted up how many men you kept in those apartments that they brought you into court for violating the law, for not having a license?—A. That is all.

Q. (By Mr. CAMPBELL.) Who was the officer?—A. Sergeant Hyland.

Q. Where does he live?—A. In East Boston.

Q. In East Boston, in this district?—A. Yes, sir; Ward 2.

MARTIN A. McNAMARA, sworn.

By Mr. MALLEY:

Q. What is your name?—A. Martin A. McNamara.

Q. On May 1, 1902, where did you live?—A. No. 1 Lowell street.

Q. Where did you reside previous to that?—A. No. 1 Lowell street.

Q. How long have you lived at No. 1 Lowell street previous to May 1, 1902?—A. Six years.

Q. Steadily?—A. No. About the 10th of June I leave every year for a couple of months.

Q. When do you come back?—A. About the 1st of October.

Q. Where were you born?—A. New York City.

Q. How old are you?—A. I was born in 1875; I will be 28 years old, I believe, on the 9th of next April.

Q. How long have you been voting in Ward 8?—A. The first vote I ever threw in my life was in Ward 8, No. 7 Lowell street.

Q. When?—A. When I was 21 years old, six or seven years ago.

Q. What room did you occupy at 1 Lowell street May 1, 1902?—A. The third floor, in the back.

Q. A separate room?—A. No, sir.

Q. Who slept there with you?—A. There was two double beds and one single bed; I slept with a man named Lawrence Sullivan.

Q. Who else slept in the same room with you?—A. I could not tell you.

Q. How long did you sleep in this room where five men slept, how many nights?—A. Well, I have been sleeping there the last six years.

Q. In the same room for six years?—A. Yes; that is, when I am in the city.

Q. You mean all except the summer time?—A. Yes, sir.

Q. You had strangers there as roommates night after night?—A. My roommate that slept with me in the bed, Lawrence Sullivan, he stopped with me; sometimes he was a stranger, sometimes he was not.

Q. Did you know any other of the three who slept there May 1, 1902?—A. Yes, sir.

Q. Have you seen them before?—A. Oh, I have seen them; yes.

Q. Where have you seen them?—A. I may have seen them and I may not.

Q. Do you know whether you have seen them before May 1?—A. I think I have.

Q. Have you seen them since?—A. Yes.

Q. Did you live there at 1 Lowell street during the months of April and May?—A. I have lived there the last six years, outside of probably from the 10th of June until about the 1st of October, the last six years.

Q. You lived there in the months of April and May, did you?—A. Yes.

Q. Did you see those three men that slept with you May 1, 1902, around there?—A. I never took any notice of them.

Q. You do not remember of seeing them in the month of April there?—A. It was none of my business; I don't know whether I did or not.

Q. You do not remember of seeing them in the month of May, do you, except the night that they slept in the room with you?—A. I could not remember what day; I believe I did see them; yes. There was only one man I knew—the man that slept with me.

Q. You never knew their names?—A. No; I did not know it was any of my business.

Q. Whom did you sleep with May 2 in that room?—A. The same man I slept with the night before.

Q. Did the same three strangers room there?—A. It was none of my business.

Q. Did these three men sleep with you in that room besides your roommate Mr. Sullivan?—A. There was only me and Lawrence Sullivan; the rest I didn't know anything about.

Q. You stopped there every night in April and May?—A. I have stopped there the last five or six years.

Q. You never knew the names of the men sleeping in the same room with you other than this one man, Lawrence Sullivan?—A. That is all.

Q. What do you do?—A. Just now, at present, work for James F. Patterson; work in a bar room at 55 Causeway street.

Q. What do you do in the bar room?—A. I am a porter.

Q. You are not a bartender?—A. No, sir.

Q. What do you do between June and October?—A. Well, I work for an uncle of mine, Mr. S. C. C. Finney, a selectman down at North Carver.

Q. What do you do down there?—A. I take care of his cranberry bogs—I work for him.

Q. Work for him in the cranberry bogs?—A. Yes.

No cross-examination.

(Mr. Malley called John J. O'Brien, Edwin D. Page, and James D. Lucey, and as they failed to respond presented subpoenas with the returns of the officer thereon, which were marked respectively, "Ex. 16, J. H. B.," "Ex. 14, J. H. B.," and "Ex. 15, J. H. B.")

JOHN A. RYAN, sworn.

By Mr. MALLEY:

Q. What is your name?—A. John A. Ryan.

Q. Where do you live?—A. At the present time?

Q. Yes.—A. At 75 Washington street.

Q. How long have you lived at 75 Washington street?—A. Within a month.

Q. Where did you live before that?—A. At No. 1 Lowell street.

Q. When did you first go to live at No. 1 Lowell street?—A. I think it was the latter part of 1899 or the first part of 1900; three years, any way.

Q. Where were you working when you went there at that time?—A. I think I was working for the Derby Chair Manufactory in Charlestown.

Q. Doing what?—A. I am a furniture finisher and polisher.

Q. How long did you work for Mr. Derby or for the Derby Company?—A. I could not say at that time; I worked for him for several years when he was on Cross street.

Q. How long at that time did you work for the Derby Company?—A. Well, I would not be certain, because I would change. The work is not as good in the winter; I don't know how long.

Q. Did you sleep May 1, 1902 did you have your home May 1, 1902—at 1 Lowell street?—A. I did; yes, sir.

Q. What room did you occupy there?—A. I think it was on the second floor.

Q. Did you have a room by yourself?—A. With Peter F. Carl.

Q. Did anybody else sleep in that room but Peter F. Carl and you?—A. Not to my knowledge.

Q. You only think you slept on the second floor—you have no particular recollection where you slept, have you?—A. At that time I feel pretty certain it was the second floor.

Q. The second floor of No. 1 Lowell street?—A. Yes.

Q. And you slept in a separate room with Peter Carl?—A. Him and I roomed together.

Q. Did you have any talk with anybody as to what you should testify to here?—A. I did not; no, sir. I was not aware of it until I was handed a summons.

Q. Did you give your name in to be assessed?—A. Not this year—last year—no. I left my name there. I had been living there ever since my home broke up, about four years ago; always lived there.

Q. Whom did you give your name to to be assessed?—A. Always left it with Mr. King. I have had that as my domicile for about four years.

Q. Where did you live?—A. There, more or less of the time.

Q. How much of those four years have you lived in 1 Lowell street?—A. The larger part of it.

Q. You were living there May 1, 1902, you say?—A. I was.

Q. How long previous to that time had you lived there?—A. All that winter.

Q. What winter? You left there when?—A. I left in July last; I believe it was.

Q. Where did you go to live then?—A. I went to Providence to work.

Q. How long did you live in Providence?—A. About six weeks.

Q. Where did you go to live when you came back?—A. I came to No. 1 Lowell street.

Q. Where were you born?—A. Burlington, Vt.

Q. When did you first come to Boston from Burlington, Vt.?—A. Oh, in 1872, I believe, or 1871.

Q. When were you born?—A. In 1855.

Q. Did you live in Boston in 1896?—A. 1896? Seven years ago? Yes, sir.

Q. Where did you vote seven years ago?—A. I lived—I think it was on Salem street, 125, I think, Salem street, Ward 6.

Cross-examination by Mr. CAMPBELL:

Q. It was your custom if you were not at 1 Lowell street on the 1st day of May in any of these years you resided there to leave your name with Mr. Kane to give it to the assessors?—A. It was; yes, sir.

Q. With the purpose that he should give it to the assessors?—A. Yes; to become registered in the city of Boston.

Q. You wanted that as your place of domicile?—A. I did. I kept my clothing there up to within four weeks ago.

By Mr. MALLEY. Did you ever give your name to the assessors personally in all those years?—A. I have; yes, sir; been before them and registered.

Q. When?—A. When they were registering about three or four years ago.

Q. At the time of the general registration?—A. Yes, sir.

Adjourned to Wednesday, March 4, 1903, at 1 p. m.

WEDNESDAY, March 4, 1903.

(Mr. Malley called William P. Seankun, and as he did not appear presented a subpoena with the officer's return thereon, which was marked "Ex. 17, J. H. B.")

DANIEL F. SULLIVAN, sworn.

By MR. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Daniel F. Sullivan; 45 or 46 years of age, born the 7th day of July in 1857. My residence at the present time is No. 3 Lowell street; occupation, well, I have been working at different trades.

Q. What do you consider your occupation?—A. Core maker. You can put me down for an iron molder.

Q. You were sworn yesterday?—A. Yes, sir.

Q. On May 1, 1902, where did you live?—A. I lived at No. 1 Lowell street.

Q. In what portion or part of 1 Lowell street?—A. Well, in fact, I have had different rooms in the house.

Q. May 1, 1902, I was referring to. Where did you sleep the 1st of May last spring?—A. I slept in the side room.

Q. On what floor?—A. On the third floor, on the second floor from overhead of the drug store.

Q. Of No. 1?—A. No. 1 Lowell street.

Q. That is a back room, a side room toward the back?—A. A back room toward the side room.

Q. The side room to the rear of 1 Lowell street on the second floor?—A. Yes, sir.

Q. How many beds were in that room?—A. One bed.

Q. Did you occupy the bed?—A. I did, in my room.

Q. Did you occupy the room alone that night?—A. No, sir.

Q. Who slept with you in that room?—A. A friend.

Q. Who was he?—A. Well, he is not here now.

Q. What is his name?—A. Thomas H. Miles.

Q. Where is he now?—A. Well, he may be dead for all I know.

Q. Did he sleep with you previous to that in that room?—A. For years before that.

Q. When did you last have sight of him?—A. Well, I had not seen him for months before that.

Q. How many months previous to May 1, 1902, had you seen Thomas H. Miles?—A. Well, he stopped with me part of that winter; in the spring I went away.

Q. Previous to May 1, 1902, how long had you been stopping at 1 Lowell street continuously?—A. From some time back and continuously down; well, off and on about six years.

Q. Was May 1, 1902, the first night of your stay with him at Lowell street that you stopped there?—A. No, sir.

Q. Now, previous to May 1, 1902, continuously, how long continuously did you stop at 1 Lowell street?—A. Well, I say I stopped there at intervals, sometimes a month or two months at a time.

Q. Taking the interval that included May 1, 1902, how long was that interval?—A. Well, take it myself, between him and I, we stopped there.

Q. State where you stopped.—A. Where I stopped?

Q. The interval between May 1, 1902, you stopped there how long?—A. Before or after?

Q. Both.—A. Before and after.

Q. Both; that interval that you stopped continuously there which included May 1?—A. Well, I believe we stopped there after I came up in October from the Cape; I stopped there all that winter.

Q. I understand you to say that from October, 1901, up to and including May 1, 1902, you stopped continuously at 1 Lowell street?—A. Yes, sir.

Q. Every night?—A. Well, not every night, because sometimes I would be out in another house, at No. 3; well, it is all the same, in fact.

Q. How long did you stop at 1 Lowell street?—A. I told you from the latter end of October until after the 1st of May, then up to until June, until I went out of town.

Q. You left 1 Lowell street the last time in June of 1902?—A. Yes, sir.

Q. When did you return to 1 Lowell street?—A. I returned this fall.

Q. What time?—A. Well, about the latter end of October.

Q. Did anybody besides you and Thomas H. Miles sleep that night of May 1, 1902, with you in that side room you refer to?—A. Well, I don't believe there were; but I did bring in a soldier.

Q. That night?—A. One night.

Q. I am talking about the one night of May 1, 1902.—A. Well, this was a fellow I met on the street. I didn't know whether he was right or wrong, but he claimed he didn't have no place and I said, "You can stop with us." He said he was a Spanish veteran and it was cold.

Q. Do you remember the night of the 1st of May, 1902, Mr. Sullivan?—A. I do; yes, sir.

Q. Did anybody besides Thomas H. Miles and you sleep in that side room you have referred to on that night?—A. Not as I know of; no, sir.

Q. Where were you born, Mr. Sullivan?—A. I was born in Charlestown, Bunker Hill district.

Q. Are you a married man?—A. No, sir.

Cross-examination by Mr. CAMPBELL.

Q. On the 1st of May, 1902, No. 1 Lowell street was your place of domicile?—A. Yes, sir.

Q. You accepted that as your place of domicile?—A. Always, for the last six years.

By Mr. MALLEY:

Q. How much did you pay per week for the chance to sleep in that room?—A. Well, I was paying \$2. I was not paying; but I was to pay \$2 if we had the room—a dollar myself alone—\$1.50 myself. If there were two of us had it we had to pay \$2.

Q. How many beds were in that room?—A. Only one.

LAWRENCE S. SULLIVAN, sworn.

By Mr. MALLEY:

Q. You were sworn yesterday, Mr. Sullivan?—A. Yes, sir.

Q. Will you state your name, age, residence, and occupation.—A. Lawrence S. Sullivan; 51; 3 Lowell street, at present; occupation, house painter.

Q. For whom do you work, Mr. Sullivan?—A. For myself at present; well, I have worked for most of the biggest shops in Boston since I served my apprenticeship some thirty-odd years ago.

Q. Where were you born?—A. In Boston.

Q. Are you a married man?—A. No, sir; never was married.

Q. On May 1, 1902, where did you reside?—A. No, 1 Lowell street.

Q. What portion of the premises at 1 Lowell street did you occupy?—A. On the second floor.

Q. What room?—A. It strikes me it was a back room; I have lived all over that house for five or six years, Mr. Malley, and of course I might be mistaken.

Q. How many persons slept in that room with you that night?—A. You mean on that particular night?

Q. On that particular night.—A. If my memory serves me right, there were five people, although I would not swear that there were five.

Q. Five people slept in that room?—A. If my memory serves me.

Q. How many beds were there?—A. Three; two double beds and one single bed, if I recollect it rightly. Now, this I have had to jog my memory about, Mr. Malley, because at that time I did not take particular notice of it, but as I recollect it now that is it.

Q. By a double bed you mean where one slept above the other?—A. Well, I call it a double bed.

Q. Well, they were actually called down there bunks?—A. Not that I ever heard; I don't know; there might have been somebody called them so, but I called them a bed.

Q. Taking the particular time that you stopped there May 1, 1902, the continuous time that you stopped there at about that period, at what time did you first go there, and what time did you leave?—A. You don't mean when I first went there; you mean at that time?

Q. How long did you stop there at the time that included May 1, 1902?—A. Oh, I may have been there a couple of months at that time. I have been there continuously almost for six years.

Q. When did you first leave there after May 1, 1902?—A. I am not sure that I have left there. I may have since.

Q. Then you have not left there at all?—A. I am not sure that I have.

Q. Can not you tell now whether you left 1 Lowell street?—A. Oh, yes; I have been in 3, and at the present time in No. 3.

Q. When did you go from 1 to 3?—A. Well, I really can not say, but if you ask me to give my judgment of it, I should say perhaps a month or so later.

Q. Since May 1, 1902, have you ever lived at any other place than 1 and 3 Lowell street?—A. No; I have not.

(Mr. Malley called James D. Barnes, Edward Downey, and Bernard Gunn, and as they did not respond presented subpoenas with the officer's return thereon, which were respectively marked "Ex. 18, J. H. B.," "Ex. 19, J. H. B.," and "Ex. 20, J. H. B.")

JAMES MCCOY, sworn.

By MR. MALLEY:

Q. State your name, age, residence, and occupation.—A. James McCoy; 39 years of age; Iron molder; residence, No. 1 Lowell street.

Q. On May 1, 1902, did you live at No. 1 Lowell street?—A. Yes, sir.

Q. What room did you occupy?—A. No. 9.

Q. Room No. 9. On what floor is that?—A. The second floor, front.

Q. How many beds are in that room?—A. Two.

Q. Double beds or single?—A. Double and single.

Q. How many men slept in that room the night of May 1, 1902?—A. There were two besides myself.

Q. What were their names?—A. I do not know; I do not know at all who had the room.

Q. Did you sleep in that room May 2, 1902?—A. Yes.

Q. Did you sleep in that room April 30, 1902?—A. Yes, sir.

Q. How many men slept there with you April 30, 1902?—A. Two.

Q. Do you know their names?—A. No, sir.

Q. How many men slept there May 2, 1902?—A. Two.

Q. Do you know their names?—A. No.

Q. Do you know them by sight?—A. I do know them by sight.

Q. You do not know the names of the men who slept there April 30 or May 2, 1902, do you?—A. Not at that time.

Q. You have not learned their names since, have you?—A. No, sir.

Q. Did they continue to sleep there in that room for any length of time that you occupied it?—A. Well, yes; about a month or so.

Q. The same two men were there?—A. Well, I don't know; I will tell you; I was in late and out early.

Q. Whether or not you know the same two men slept there?—A. I could not swear.

Q. For a month?—A. I could not swear to that.

Q. For how long did you sleep in that room?—A. Oh, I slept in there a year.

Q. At all times did you have two men sleeping in that room with you?—A. Not always.

Q. How long a time did you have two men sleeping with you?—A. Well, I do not know.

Q. Did you ever know any of the men who sleep in that room with you during the month of May, 1902?—A. Yes, I did know one man; Daniel Connors.

Q. When did he sleep there?—A. I do not know; it was during that month some time.

Q. He was not a man who slept there May 1, was he?—A. I do not know whether he slept there through that month or not.

Q. Have no recollection about that?—A. No, sir.

Q. Where were you born?—A. North Chelmsford.

Q. Are you a legal voter of the city of Boston?—A. I suppose so.

Q. Did you vote upon election day November 4, 1902?—A. Yes, sir.

Q. Where did you vote from as your residence?—A. Minot and Lowell streets precinct.

Q. What?—A. Corner of Minot and Lowell.

Q. Where were you registered from?—A. Corner of Blossom and McLean streets.

Q. You were not registered from a polling booth, were you?—A. That is where I was.

Q. You mean that is where you voted?

MR. CAMPBELL. I object. It is a matter of record.

Q. Where did you reside at the time you voted November 4, 1902?—A. At Kane's, No 1 Lowell street.

Cross-examination by MR. CAMPBELL:

Q. On the 1st day of May, 1902, No. 1 Lowell street was your place of domicile, your home?—A. Yes, sir.

Q. The place you resided at?—A. It is to-day.

Q. And you went there for the purpose of making that your home and domicile?—

A. Yes, sir. I have been there two years.

Q. Two years?—A. Two years last—

By MR. MALLEY:

Q. Just a question. When were you assessed?—A. I could not tell you just when.

Q. Were you assessed? Did you go up to city hall to get assessed?

Mr. CAMPBELL. I object. It is a matter of record.

Q. You are sure you voted at the last election, in 1902?—A. I voted.

Q. At the last election, on November 4, 1902?—A. I won't say.

Q. Do you know whether you voted on November 4, 1902?—A. I voted on some day; I forget whether it was that day.

Q. Did you vote at the Congressional election of 1902?—A. I voted at the State election; I voted that cold day.

Q. You voted all day?—A. That cold day; I don't know what day of the month it was on.

Q. Did you vote at the Congressional election in November, 1902?—A. I don't think I did.

(Mr. Malley called James J. Malley, Joseph McKay, Philip Shalley, and Daniel McDonald, and as they did not respond presented subpoenas with the officer's return thereon, which were marked, respectively, "Ex. 21, J. H. B.," "Ex. 22, J. H. B.," "Ex. 23, J. H. B.," and "Ex. 24, J. H. B.")

JOHN CALLAHAN, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. John Callahan; 42; residence, No. 1 Lowell street.

Q. Your occupation?—A. At the present moment, meat cutter.

Q. Where were you born?—A. Cambridge.

Q. How long did you live at Cambridge?—A. Was born there and lived there.

Q. Up to what time?—A. Within three years.

Q. Where did you live theré? Give the street and number if you know it.—A. Elm street.

Q. What number?—A. I was born in Elm street; the last place I lived there was 369 Columbia street.

Q. Are you married?—A. No, sir.

Q. Have you been a married man?—A. No, sir.

Q. With whom did you live at 369?—A. My sister.

Q. Where did you live from there?—A. That is when I came to Boston.

Q. When did you come to Boston and where did you come to live?—A. No, I Lowell street.

Q. What was your business at that time?—A. Meat cutter.

Q. Where did you work then?—A. Various places.

Q. Where did you work at the time you moved to 1 Lowell street?—A. Corner of Norfolk street.

Q. For whom?—A. A man by the name of Mr. Woolley.

Q. How long did you live at 1 Lowell street?—A. I have been living there for three years.

Q. Been working at the meat-cutting business ever since that time?—A. Off and on.

Q. How long did you stay with Mr. Woolley at 1 Norfolk street after you moved to 1 Lowell street?—A. About six months.

Q. Worked out in Cambridge?—A. Yes.

Q. And lived at 1 Lowell street, Boston?—A. Yes, sir.

Q. What room did you occupy at 1 Lowell street May 1, 1902?—A. Slept in the dormitory, the first dormitory.

Q. Is that the room that is 18 by 20?

(Objected to.)

A. I should think that would be pretty near the dimensions of it.

Q. How many beds are there in that room?—A. Twelve, I think.

Q. Single or double beds?—A. Double.

Q. Accommodations for 24 people there?—A. Yes, sir.

Q. How many people slept there May 1, 1902?—A. Well, I should think they were all pretty well occupied.

Q. Have you any recollection about it?—A. Yes, sir.

Q. You were night watchman at that time for Mr. Kane, were you not?—A. Yes.

Q. He is commonly known down there as John King, isn't he?—A. Well, I could not say that.

Q. Do you know John King, who keeps No. 1 and 3 Lowell street?—A. I know Mr. Kane keeps it.

Q. Is the man who keeps 1 and 3 Lowell street known down there as John King?—A. I could not say that.

Q. Does he ever go under the name of John King to your knowledge?—A. I don't know what name he goes under.

Q. Up to May 1, 1902, how long had you been working for Mr. Kane?

(Objected to.)

A. I was not working at that time.

Q. What were you doing on May 1, 1902?—A. I was working around the market.

Q. For whom?—A. Several people.

Q. Several people the same day?—A. No, sir.

Q. On May 1, 1902 for whom were you working?—A. Well, that is the best of my recollection at the present moment.

Q. Any time in the month of April, 1902, for whom were you working? A. I think I was working on Merchants' Row for a man named McKay.

Q. What is his business?—A. Poultry business.

Q. Keep any market there?—A. I would not place that as a definite answer. He does keep a market there, or he did. I think I was working for him that day.

Q. You worked one day in April for a man named McKay. Any other time in April that you worked for anybody?—A. I was working right straight along.

Q. Name some of your other employers in that month.—A. I was working at miscellaneous work.

Q. Name some of your employers during that month of April.—A. I could not tell.

Q. Name some of the men that employed you during the month of March, 1902.—A. Well, I worked on furniture teams and all like that.

Q. Can you name any man who employed you to work in the month of March, 1902?—A. Well, I could not, not by name.

Q. Can you name any man that employed you in February, 1902?—A. No; I could not.

Q. Can you remember anybody who employed you to work during the months from December, 1901, down to June, 1902, other than Mr. McKay?—A. I could not, because my work was miscellaneous work; I got work wherever I could; tried to get along the best I could.

Q. Where did you get the money to pay for your lodging at 1 Lowell street on May 1, 1902?

(Objected to.)

A. Where did I get it?

Q. Yes.—A. I generally have a little fund of money with me—369 Columbia street, Cambridgeport.

Q. This was on May 1, 1902?—A. Not where I got it that day, but I generally got it from there.

Q. At any time from December, 1901, down to and including May 1, 1902, did you earn any money?—A. Yes, sir.

Q. Where did you earn it?—A. At miscellaneous work, wherever I could get it.

Q. I believe you said you could not state whom you worked for other than one Mr. McKay, the 1st day of April?—A. That is right.

Q. You were not working in the month of May for Edward J. Kane as night watchman, were you?—A. No, sir.

Q. When did you begin your duties as night watchman at 1 and 3 Lowell street for Edward J. Kane?—A. Five weeks ago.

Q. For whom did you work from May 1, 1902, down to five weeks ago?—A. I done miscellaneous work.

Q. Name any man for whom you did work from May 1, 1902, down to five weeks ago, when you became night watchman.—A. I have got, as a general thing, to get it, having to get my livelihood.

Q. You can not remember anybody you worked for?—A. No, sir.

Q. Do you remember the names of any men who slept in the dormitory in which you slept on May 1, 1902?—A. No, sir.

Q. You can not remember? What particular recollection have you as to May 1, 1902, from any other night in May, April, or June as to how many men slept in that dormitory?—A. Well, I will tell you that as a general thing the rooms are all filled right up.

Q. That particular room on May 1?—A. No, sir; as a general thing.

Q. Your recollection that 24 men slept in that room on May 1, 1902, is based upon the fact that as a general thing the rooms are all filled every night?—A. No, sir.

Q. What is it based upon?—A. Because these rooms are generally filled every night, and I know they were filled thoroughly, because I went through them.

Q. What was the occasion for your going through those rooms?—A. I am night watchman there.

Q. You were not night watchman May 1, 1902, were you?—A. No, sir.

Q. You had never been night watchman for Edward J. Kane at 1 and 3 Lowell street previous to five weeks ago?—A. No, sir.

Q. Then you don't know as night watchman what happened May 1, 1902?—A. Not on that.

Q. Or anything that happened up to five weeks ago at 1 and 3 Lowell street, did you?—A. I do.

Q. Did anyone speak to you outside of the door to-day and tell you to stick to your story?—A. No, sir.

Q. Did you ever speak with Mr. Cuddy about testifying here?—A. I would not know the gentleman; never spoke a word in my life to him.

Q. I understand you have never seen that gentleman before in your life?—A. I would not know him as Mr. Cuddy.

Q. What name did you know him under?—A. I did not know him under any name at all.

Q. Do you know him at all?—A. No, sir; no more than I have seen the gentleman.

Q. How many times have you seen the gentleman before?—A. Oh, well, now that is an opinion; I might have seen him dozens of times.

Q. Did John Kane tell you outside this door "Stick to your story, Callahan?"—A. No, sir.

Q. Were you talking with John Kane or Edward J. Kane outside this door before you came in to testify?—A. I presumably was.

Q. Don't you know you were?—A. I do; yes, sir.

Q. What were you talking about?—A. Only a matter of business concerning the house.

Q. You were talking concerning the house 1 and 3 Lowell street?—A. Yes, sir; about getting back, lighting up the lights, and so forth.

Q. Did you speak to him about what you were going to testify here to-day?—A. No, sir.

Q. Did you know he had testified yesterday?—A. I certainly did.

Q. He knew you were summoned here?—A. I supposed so. I am an employee of his; he ought to know.

Q. And you did not say a word one way or the other about testifying here to-day when you met outside the court room?—A. No, sir.

Q. What did you speak about?—A. Spoke about the house, about getting back in time to light the fires and light the lamps.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, No. 1 Lowell street was your place of residence?—A. Yes.

Q. Your domicile?—A. Yes, sir.

Q. You made it your home?—A. Yes, sir.

Q. How long did you say you had lived there?—A. I have lived there three years.

Q. You lived there in 1900?—A. Yes, sir.

Q. At the time of the last Congressional election?—A. Yes, sir.

Q. The last preceding but one. Mr. Conry was a candidate the first time, and you were living there then?—A. When was that, please?

Q. In 1900.—A. I think I was.

By Mr. MALLEY:

Q. Just one question. Did you vote at the Congressional election last November?—A. I did, sir.

(Mr. Malley called Henry Clay, Thomas J. Kennedy, Timothy Lyons, and William McGee, and, as they did not respond, offered subpoenas with the officer's return thereon, which were respectively marked "Ex. 25, J. H. B.," "Ex. 26, J. H. B.," "Ex. 27, J. H. B.," and "Ex. 28, J. H. B.")

JOHN J. MELLEFONT, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. My name is John J. Mellefont; 33 years; I was born April 27, in 1870; that makes my age 33, nearly; I am a teamster.

Q. Your residence?—A. 1 Lowell street; has been for two years and three months.

Q. What room have you occupied during three years and two months?—A. I have lived in a room where is a double bed and two singles.

Q. In which room?—A. A back room.

Q. How many men slept in that room that night?—A. There was three besides myself.

Q. On May 1, 1902, where did you reside?—A. No. 1 Lowell street.

Q. The same room that you have spoken of?—A. Yes, sir.

Q. Who slept in that room with you, if anybody?—A. Well, men slept there, but I do not know their names, for the simple reason why, I have to get out of my house at half past 5 over to the barn, to get on the stand at 7 o'clock.

Q. Did the same men sleep there May 1, 1902, that slept there with you April 30, 1902?—A. Well, the men that slept there, I presume they slept there, I do not really know their names; I never knew what their names were, because in the furniture business, you know, you go on the stand at 7 o'clock.

Q. Well, that is all. Go ahead.—A. In the furniture business you may stand at your business three or four hours, and probably you get a job, and you are out of town until 7 or 8 o'clock at night; and when you come home you are not going to look around to see who is in the house; you will be tired enough after a hard day's work.

Q. For two years and three months that you stayed at No. 1 Lowell street you did not stop to see who slept in the room with you?—A. No more than I would say "Good morning," if they happened to be up.

Q. Never asked their names or anything about them?—A. No, sir.

Q. Or who they were? Didn't care who they were?—A. No; it didn't make any difference to me who they were.

Q. Did you have any baggage?—A. Yes; I had a shift of clothes; something to put on me of a Sunday, the way anybody should do who is working.

Q. You didn't mind who came into the room where your shift of clothes were?—A. I never did that; I put them under lock and key with the proprietor, so when I returned I would know that I had them.

Q. During the two years and three months that you slept in this room was it most of the time that the beds were fully occupied?—A. Decidedly, yes.

Q. That is, for most of the time four men slept in that room?—A. Generally a full house he had.

Q. Three besides yourself?—A. Yes.

Q. What did you pay for sleeping in that room?—A. Paid \$1 a week for the lodging.

Q. At any time, at any night, in those two years and three months, did you know the name of any man who slept there with you?—A. Not in the room I slept, but I knew a fellow that roomed there, a schoolmate of mine, who went to school at the Phillips School.

Q. In the last two years and three months you have had as roommates each night three men?—A. Yes, sir.

Q. And during that time you have never known—and you have made that your permanent residence for two years and three months?—A. Yes, sir.

Q. And you have never known the names of any one of the three men or of any three men who slept there any night with you during those two years and three months?—A. No, sir; I did not.

Q. That is all—or, just one question. Did you vote at the Congressional election November 4, 1902?—A. Yes, sir.

JAMES MILES, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. James Miles; 32 years old; residence, 1 Lowell street; occupation, laborer.

Q. Where were you born, Mr. Miles?—A. I was born in Peabody.

Q. Peabody, Mass., I presume you mean?—A. Yes.

Q. Did you ever live in Somerville, Mass.?—A. Yes, sir.

Q. How long did you live there?—A. Since I was 3 years old up until a couple of years ago.

Q. Have you ever lived there since a couple of years ago?—A. No, sir.

Q. Are your father and mother living?—A. No, sir.

Q. Have you any brothers and sisters?—A. I have got one brother and sister.

Q. Where do they live?

(Objected to.)

A. I don't know.

Q. Any of them live in Somerville?—A. They did at that time. I don't know now where they live.

Q. When you lived in Somerville you lived with whom?—A. With my father and mother.

Q. On what street?—A. Dane street.

Q. What number?—A. 31 Dane street.

Q. Did your father and mother die there?—A. Yes, sir.

Q. Did your brother and sister continue to live at Dane street?—A. No; they did not.

Q. Did they continue to live in Somerville?—A. I don't know.

Q. Where did you last see them?

(Objected to.)

A. I have not seen them for six months, to my knowledge.

Q. Where were they living when you saw them six months ago?

(Objected to as immaterial.)

Q. Will you answer the question?—A. No, sir.

Q. Don't you know where you saw them six months ago?—A. You asked me where they were living.

Q. Yes. You don't know?—A. I don't know.

Q. Where did you see them six months ago?—A. I have not got to answer that question, I think, your honor.

Q. Were they living in Somerville the last you knew or heard where they lived?—

A. No, sir; I don't know.

Q. You don't know anything about that, do you?—A. No, sir; I don't know anything about it.

Q. When did you first come to live at 1 Lowell street?—A. About two years ago, I guess.

Q. What month?—A. Well, it was in the middle—I think it was in January—something like that.

Q. January, 1900?—A. 1900; yes, sir, as far as I know; I think it was about 1900.

Q. And you have lived there continuously ever since, have you?—A. Yes, sir.

Q. In what room?—A. Well, I lived in 1 Lowell street, the first room I know that goes in from the door there.

Q. Are you not sure where you lived for two years?—A. Yes; I am sure.

Q. Are you not sure about the location of the room where you lived for two years?—A. It was the first room, as far as I know, on the right going in.

Q. Did you have any baggage there during those two years?—A. No; I did not.

Q. Have any property at all that you left there?—A. No, sir.

Q. How did you hire your room?—A. I hired the room by the week.

Q. How much did you pay for the room?—A. I paid \$1.25 a week.

Q. To whom did you pay it?—A. Paid John Kane.

Q. Who slept in this room with you?—A. I don't know.

Q. How many men slept with you?—A. I should judge there was about three besides I.

Q. Haven't you any recollection how many?—A. I have not a recollection who they were; don't know nothing about them; did not want to.

Q. For the last two years that you lived there, at night, have three men besides yourself slept in the same room in which you slept?—A. I don't understand you rightly.

Q. For the last two years that you have lived there, at night, have three other men slept in the same room with you?—A. I do not know.

Q. Do you know whether or not they occupied the same room with you?—A. I do not.

Q. Do you know whether or not on May 1, 1902, anybody besides yourself occupied the room that you have referred to?—A. Yes, sir; I know they occupied it all right.

Q. Did you see their faces?—A. No; I did not look at their faces.

Q. Do you know whether or not the men who occupied the room May 1, 1902, were the same who occupied it April 30, 1902?—A. Well, I think they were the same people all right.

Q. And the same that occupied it on May 2, 1902?—A. I think so; yes, sir.

Q. On June 1, 1902, did three men besides yourself occupy that same room?—A. Yes, sir.

Q. Did you see their faces on that night?—A. I did not notice; I know there were three men there all right.

Q. So that for two years you have occupied the same room with three other men, and have never known the names of anyone in that room?—A. No, sir; I have not known them.

Q. And have never bothered to look at them so that you could recognize them again?—A. No, sir; I did not care to know them anyway.

Q. When were you assessed as a voter?—A. I was assessed somewhere in April, I think it was.

Q. April of last year?—A. Yes, sir.

Mr. CAMPBELL. I object. It is a matter of record.

Q. Where were you assessed?—A. I was assessed from 1 Lowell street.

Q. Did you give your name to the assessor?—A. No, sir; I gave it to John Kane.

Q. When did you register as a voter?

Mr. CAMPBELL. I object. It is a matter of record.

A. For the State election.

Q. What month did you register as a voter?—A. I do not know.

Q. Did you vote at the Congressional election, November 4, 1902?—A. Yes, sir.

Q. Have you never lived at Somerville at any time in the last two years?—A. No, sir.

Q. How many Congressional elections have you voted at?—A. From 1 Lowell street, only one.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your place of residence, your home, your domicile, was No. 1 Lowell street?—A. Yes, sir.

Q. When you say that you for two or three years, a couple of years, occupied a room at No. 1 Lowell street with other persons in the room, you do not mean that during all that period of two years those persons were the same persons, do you, or were they different persons?—A. Well, I do not know nothing about that; I was not supposed to know anything about who was in the room. I went in there for to sleep, that is all.

(Mr. Malley called Thomas H. Miles and James A. Scott, and as they did not respond, offered subpoenas, with the officer's return thereon, which were marked, respectively, "Ex. 29, J. H. B." and "Ex. 30, J. H. B.")

RICHARD WILLIAMS, Jr., sworn.

By Mr. MALLEY:

Q. What is your name?—A. I have not been sworn yet.

(The witness was sworn.)

Q. Will you state your name, age, residence, and occupation?—A. My name is Richard Williams; I am 22 years old; born in 311 Webster avenue, Cambridge, Mass.

Q. What day of the month were you born?—A. The 24th of December, 1881. Occupation, plasterer.

Q. On May 1, 1902, where did you reside?—A. I resided in No. 1 Lowell street; went there in October and stayed there until the 1st of June; I mean the 1st of April until the latter part of October. I have two eyewitnesses.

Q. Who told you to say that?—A. Nobody told me at all. I have my own eyewitnesses.

Q. You went about the last of April?—A. I went about the last of April and stayed until October.

Q. Did you live at 1 Lowell street prior to April, 1902?—A. Yes; I did.

Q. When?—A. I lived there when I first came to Boston from out West; stopped there four months, then went away again.

Q. How many years ago was that?—A. That was in 1899.

Q. Did you vote at the Congressional election November 4, 1902?—A. I did.

Q. Was that the first vote you had cast at a Congressional election in Boston?—A. Yes; I voted in the State election and the city election.

Q. Had you ever voted previous to last fall?—A. No, sir.

Q. In April, 1902, you came to live at 1 Lowell street?—A. I did.

Q. From where?—A. Well, I came at 16 Causeway street, where I came from; I was living with the old man; his family went down to the beach, and I went over and hired a room at 16 Causeway street.

Q. Your father is Richard Williams, is he?—A. That is what he is.

Q. Where did he live in April, 1902?

(Objected to.)

A. He lived at the same place I did—at King's; occupied the same room.

Q. Previous to April, 1902, where did he live?—A. I don't know nothing about that at all.

Q. Is your mother living?—A. No; she is dead.

Q. Is your father a married man?—A. Well, he is married twice.

Q. Has he a family?—A. Well, he has got seven.

Q. Where did they live previous to April, 1902?—A. Well, one is in Alaska, another one in Colorado, another in San Antonio, Tex.; another is in the Philippines now.

Q. Where are the other three and Mrs. Williams?—A. Oh, well, they are down at the beach somewhere; I don't know where they live.

Q. Where did they live before they went down to the beach?—A. I told you I knew nothing about them.

Q. Do you know where they lived in the winter time?—A. I told you I did not.

Q. Previous to April, 1902, do you know where your father lived?—A. No; I do not know where he lived, because I was working out of town.

Q. You lived at 16 Causeway street previous to April, 1902?—A. That is where I was.

Q. How long did you live at 16 Causeway street?—A. A couple of months, with a fellow by the name of Joe Campbell, who is down at Rumford Falls, Me., now.

Q. What room did you live in at 1 Lowell street?—A. I lived second flight, on the corner—at the corner of the street—Causeway and Lowell streets.

Q. Did you occupy the room alone?—A. I did not occupy the room alone.

Q. How many slept in that room with you?—A. Nobody but my father and myself.

Q. When were you assessed as a voter?—A. When I was assessed in April I gave my name to John King, and he had a right to it, because I gave it to him.

Q. Where are you living now, did you say?—A. 107 Green street.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, you were living at—and that was your home, your place of residence, your domicile—No. 1 Lowell street?—A. Yes, sir.

JOHN J. MCCARTHY, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. John J. McCarthy; 41 years of age; occupation, spring bed maker; residence, No. 3 Lowell street.

Q. What are you doing now?—A. I am working in a saloon now—a barroom.

Q. Where?—A. Corner of Merrimac and Staniford streets—172.

Q. For whom?—A. James G. Malone.

Q. As a bartender?—A. No, sir.

Q. In what capacity?—A. Getting the soup ready in his lunch room.

Q. On May 1, 1902, where did you live?—A. No. 3 Lowell street.

Q. When did you go to live there at No. 3 Lowell street?—A. About four years.

Q. Continuously?—A. Continuously.

Q. Occupied the same room for four years?—A. Yes.

Q. What room was it?—A. On the second floor of No. 3.

Q. Sleep alone in that room?—A. Well, I sleep alone; yes—well, no—

Q. Anybody else occupy the room with you?—A. Yes; about five of them.

Q. That was the front room, second floor?—A. The front room, second floor; yes.

Q. That is the third story from the street?—A. The third story from the street.

Q. During the four years you have lived there continuously have four other men occupied the room with you every night?—A. They have.

Q. Who were the other occupants?—A. I don't know who they were. I start out at 5 o'clock in the morning.

Q. Were they the same men that occupied it with you?—A. I could not tell you, I never took notice about who they were.

Q. For four years you slept in this room you have referred to with four other men, and you never took any notice who the four men were?—A. I never took any notice, for I didn't care.

Q. You don't know whether the same four men had been sleeping there with you every night or not?—A. No, sir; I do not.

Q. Where were you born?—A. In Boston.

Q. Did you vote November 4, 1902?—A. Yes.

Q. When were you assessed.

Mr. CAMPBELL. I object. It is a matter of record.

A. I was assessed in October, I think.

Q. You were not assessed with those that lived there on May 1, 1902, were you?

Mr. CAMPBELL. I object. It is a matter of record.

A. Yes, sir.

Q. Have you any recollection as to when you were assessed?—A. When I was assessed?

Q. Yes.—A. No; nothing about it.

Q. Do you know whether you were assessed in the general assessment on May 1, 1902?—A. Yes, sir.

Q. Whether you went up to city hall and got assessed?—A. I went to city hall and got assessed.

Q. With whom did you go up to city hall to get assessed?—A. With James G. Malone, the man I am working with.

Q. Who else?—A. I don't know who else.

Q. Did you swear there that you lived in 1 Lowell street on May 1, 1902.

(Objected to.)

A. Yes.

Q. Did two other witnesses swear that you lived there?—A. Yes, sir.

Q. James G. Malone was one, was he?—A. Yes.

Q. Who was the other witness?—A. I don't know who he was.

Q. Didn't you know him at the time?—A. No; I did not.

Q. Did he know you?—A. I suppose he did.

Q. What reason have you for supposing he knew you if you did not know him?—A. Well, I don't know.

Q. Had you ever seen him before?—A. No, sir; I had not.

Q. Have you ever seen him since?—A. No; I don't know as I have.

Q. Did you ever know his name?—A. No; I did not.

Q. Do you know where he lives?—A. No; I do not.

Q. Do you know whether he was a citizen of Boston or not?—A. No; I could not tell you that.

Q. Do you know whether he was a voter in Boston or not?—A. No; I could not tell you.

Q. When did you get registered as a voter?—A. That I don't know.

Q. Did you ever get registered yourself as a voter?—A. Get registered myself?

Q. Did you ever go over to the board of election commissioners yourself, sign any papers, and get registered?—A. No, sir; I did not.

Q. You never did?—A. No, sir.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your home, residence, and domicile was where?—A. No. 3 Lowell street.

LAWRENCE J. AGNEW, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. Lawrence J. Agnew; Boston; born there.

Q. Residence?—A. No. 3 Lowell street; occupation, horse clipper, go in the summer time to the beaches to take care of horses; No. 8 Sheridan street; been there since 1872; No. 8 Sheridan street.

Q. What day of the month were you born, Mr. Ryan?—A. My name is not Ryan; my name is Agnew.

Q. What day of the month were you born?—A. I think it was on the 16th of April.

Q. What year?—A. I could not judge about the time; you can figure that out yourself.

Q. Don't you know the year in which you were born?—A. I don't know; not thoroughly; no.

Q. Where were you born?—A. Nashua street.

Q. What number?—A. 57. I believe it was at that time; it is torn down now; there are not any buildings there at all.

Q. You were living at No. what on what street? What street were you living on May 1, 1902?—A. No. 3 Lowell street?

Q. How long have you lived at No. 3 Lowell street?—A. I have lived there the last five or six years, off and on.

Q. What proportion of each year did you live there?—A. Well, four or five months at a time.

Q. And the other seven months you lived on what street?—A. Well, I can not be at the beach, you know, and live here at the same time.

Q. On May 1, 1902, what portion of No. 3 Lowell street did you occupy?—A. The second floor.

Q. What room?—A. Well, I could not judge what room it was; there was two beds in the room, and there was four men sleeping together; four of us together in one room.

Q. Who were the others that slept with you?—A. I could not tell you.

Q. Did you ever see them before?—A. Yes, sir.

Q. Where?—A. I never asked a man his name, his residence, or anything else.

Q. Did you see them since?—A. Yes, sir.

Q. Where?—A. Oftentimes on the street.

Q. How frequently had you seen those three men, most of them, previous to May 1, 1902?—A. Well, I see them right every day; every day.

Q. For how long previous?—A. Well, I seen two of them to-day myself.

Q. What were the names of the two you saw yourself?—A. I could not tell you; I never asked their names.

Q. How long after May 1, 1902, did you see these other three roommates of yours?—A. Sir?

Q. How long after May 1, 1902, did you see these other three roommates of yours?—
A. I see them to-day, I told you.

Q. How frequently from May 1?—A. I see them every morning. They get up and go off to their work the same as I do myself. I work every day of my life.

Q. Did these same three men that slept with you May 1, 1902, live there some months previous to it, in that room?—A. Yes, sir.

Q. And for some months since May 1, 1902, in the same room?—A. Yes.

Q. They were your roommates each night?—A. Yes, sir; roommates. Gentlemen, too; all gentlemen.

Q. You never knew their names?—A. No, sir. Perhaps they didn't know mine.

Q. You never bothered to ask their names?—A. Oh, no, no, no; it is against my principles.

Q. Did you ever speak to them?—A. Oh, yes.

Q. About every day you would have a conversation with them?—A. Yes, sir; might have; pass the time of day.

Q. Your answer is yes?—A. Yes.

Q. Did you have any baggage in that room, Mr. Agnew?—A. Yes.

Q. What did you keep there?

(Objected to.)

A. I had a satchel.

Q. Containing what?—A. Well, clothing, underclothing.

Q. Did you leave money in that satchel there?—A. No, sir. If I did I would leave the pile itself.

Q. Did the other men have baggage there?—A. I could not tell you the first thing about that.

Q. Are those men living there?—A. I suppose they are.

Q. Are you living there to-day?—A. I am at the present time.

Q. Have you seen these men at any time to-day?—A. I told you I saw them to-day.

Q. At that place?—A. I told you before I saw them twice to-day.

Q. At that place?—A. Yes.

Q. Do you know whether or not they were summoned here to court? Did they speak to you about it?—A. I could not tell you anything about it; that is your business.

Q. When were you summoned to come here?—A. I could not tell you. Do you know? Do you know?

Q. Two years ago?

BARNES, J. Now, here, Mr. Agnew—

A. I was summoned here Friday, and I have been here ever since. I have appeared in the court here at every meeting; yes, right here, and that is all the thing I have got to say. I was summoned, and that is all there is about it, your honor.

Q. You have been here every day since Friday?—A. Yes.

Q. You have heard the testimony which has been given the last few days?—A. I have, thoroughly.

Q. You saw that an investigation was being had—A. No; I did not "saw," I seen.

Q. Well, I will use your own word. You seen—A. I went to school, and saw.

Q. You seen that an investigation was being had into the length of time that men had lived at 1 and 3 Lowell street?—A. That is proper.

MR. CAMPBELL, I object.

Q. When you saw these three roommates of yours—A. I didn't saw them at all, I seen them.

Q. When you saw these three roommates of yours yesterday and the day before it did not occur to you to ask them their names?—A. No, sir; I did not; I had not any right; you might be living next room to me for twenty years and I would not ask your name.

BARNES, J. You want to answer the question.

Q. You want to stick to the point.—A. Stick to yours; I will fix you before I get through with you.

MR. MALLEY. Do I understand that the court permits such answers from the witness?

DEAN, J. Just answer him.

THE WITNESS. I will, thoroughly, your honor.

DEAN, J. Judge Barnes and myself think that this hilarity in the court room, including that of members of the press, should cease, or else we shall be obliged to conduct the hearing privately, with nobody present except counsel and witnesses.

THE WITNESS. Thank you, your honor.

Q. Did you vote at the Congressional election on November 4, 1902?—A. Yes, sir.

Q. When were you assessed?—A. When was I assessed?

Q. Yes.—A. Well, when I was assessed I was not there at the present time, but I left orders with the proprietor of the house that when they came around, the assessors came around, to put my name on the list.

Q. That is, you did not go up to city hall to get assessed?—A. I had no right to.

Q. You were assessed in the general assessment?—A. Sure; that is proper.

Q. Did you write your name down on a piece of paper and give it to Mr. Kane?—A. No, sir.

Q. Did you sign your name at all when you gave it to Mr. Kane?—A. No, sir.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, where did you live? Where was your residence; your domicile?—A. No. 3 Lowell street.

JAMES E. BROWN, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. James E. Brown; born in 1859, the 28th day of August.

Q. Occupation?—A. Metal polisher.

Q. Are you working now, at this time?—A. No; not at the present time; I could be only for this affair.

Q. Have you worked at the metal polishing business since May 1, 1902?—A. Yes.

Q. Where?—A. The Boston Plating Company.

Q. At what time?—Well, no later than yesterday morning.

Q. Previous to yesterday morning for how long a time up to yesterday morning had you been working for the Boston Plating Company?—A. How long?

Q. Yes.—A. I have not been working there for the last six weeks until yesterday morning.

Q. Well, beginning with six weeks ago, how far back beyond six weeks ago had you been working for the Boston Plating Company?—A. Three years ago.

Q. Three years ago you were working for the Boston Plating Company, and then you went to work for them six weeks ago, did you?—A. Yes, sir.

Q. How long did you work six weeks ago?—A. Six weeks ago, did you say? I told you I got through six weeks ago.

Q. Since May 1, 1902, where have you worked? Since last May where have you worked?—A. Well, now, if I was to tell you I had not done any work at all, would that make any difference in this case?

Q. You answer my question, please.—A. Where have I worked?

Q. Yes.—A. Since May 1?

Q. Yes.—A. Well, I have worked in Sudbury street for a man by the name of Barlow.

Q. When?—A. I worked there in the month of November.

Q. How long in the month of November?—A. About three weeks.

Q. At Barlow's? What number did Mr. Barlow keep?—A. Right at the corner of Portland and Sudbury; I could not tell you the number.

Q. Where else have you worked since last May?—A. Well, I have worked at the Star Brass Company, on East Dedham street.

Q. When?—A. Somewhere around in October.

Q. How long?—A. Oh, a matter of three weeks.

Q. Three weeks?—A. Two weeks.

Q. Where else?—A. I guess the rest of the time I have been loafing.

Q. On May 1, 1902, you were loafing?—A. Well, let it go at that.

Q. In April, 1902, you were loafing?—A. Yes.

Q. In March, 1902, you were loafing?—A. Yes.

Q. Where did you live May 1, 1902?—A. No. 3 Lowell street.

Q. How long had you been living at No. 3 Lowell street on May 1, 1902?—A. I was stopping there probably about three months at that time.

Q. During the three months you had been stopping at 3 Lowell street had you been working any of that time?—A. Yes, sir.

Q. Well, that three months would be March, April, and May?—A. Yes.

Mr. MORAN. No; he did not say that. You have no right to put that into his mouth. He says he was there three months.

Q. You were there three months previous to May 1, 1902?—A. Yes.

Q. Have you any objection to saying that three months previous to May 1, 1902,

was from the 1st of February to the 1st of May? That is correct, isn't it?—A. From the 1st of February to the 1st of May?

Q. That is three months, isn't it; that is, February, March, and April?—A. That is three months. You mentioned four months, didn't you?

Q. Were you there; was it in February that you came to 3 Lowell street to live?—A. I do not recollect just exactly when it was.

Q. Was it about that time?—A. Probably so; yes.

Q. Were you working anywhere then?—A. Yes; probably I was.

Q. For whom?—A. I don't know.

Q. At what business?—A. My own.

Q. Were you working in March? Didn't you just tell me a little while ago—
A. I do not know.

Q. Were you working in March, 1902?—A. No.

Q. Were you working in April, 1902?—A. No.

Q. You did no work from April, 1902, down to October, 1902, did you?

MR. CAMPBELL. I object. He did not say so.

Q. I am asking you to say that.—A. Yes; I did.

Q. Where from May, 1902, to October, 1902, did you work?

(Objected to.)

A. Where?

Q. Yes.—A. I worked in Peabody.

Q. When?—A. It was in the month of June.

Q. For whom?—A. For the Marine Hardware Company.

Q. Of Peabody?—A. Yes.

Q. How long did you work for them?—A. About three weeks.

Q. Any other place you worked?—A. But for the Marine Hardware Company? No.

Q. On May 1, 1902, what portion of 3 Lowell street did you occupy?—A. I was living on the second floor; was sleeping on the second floor.

Q. A front or back room?—A. Back.

Q. How large was that room?—A. I do not know exactly. I never took any dimensions of it.

Q. What is your judgment?—A. Oh, probably 28 by 20 or 20 by 28.

Q. Did you sleep alone in that room?—A. No.

Q. Who occupied it with you?—A. A man named Daniel Sullivan.

Q. Who else?—A. I don't know.

Q. How many other men occupied it with you?—A. Why, three or four men at different times.

Q. On May 1, 1902, or about that time; not exactly at that time, how many men occupied that room with you?—A. I could hardly answer that.

Q. Did more than Daniel Sullivan and you occupy that room?—A. Yes.

Q. How many more?—A. I do not know that I could tell you.

Q. More than five?—A. I do not know.

Q. How long did you occupy that room?—A. How long?

Q. Yes.—A. I told you somewhere in the vicinity of three months.

Q. During those three months did other men besides Daniel Sullivan and you occupy that room?—A. Sure they did; yes, sir.

Q. Did you ever learn their names?—A. Yes. There was a little fellow that used to come there and stop in the house; stopped there about a couple of weeks.

Q. What was his name?—A. Rogers; he belonged in Chicago.

Q. Did he sleep there on the night of May 1, 1902?—A. I don't think he did. I don't know.

Q. Do you know the names of any others of the men that slept there at that time?—A. No; I do not.

Q. Could you recognize them if you saw them?—A. I don't know; probably I might.

Q. How much did you pay for the room?—A. A dollar and a half.

Q. Where did you get the money?—A. Where did I get it?

Q. Yes.—A. Earned it.

Q. You say you were loafing most of the time?—A. Yes; I am not having to loaf in order to earn money.

Q. Where did you get the money?—A. Supposing I had money in the bank?

Q. Where did you get the money?—A. Where did I get it? Supposing I had it in the bank, could I draw from there?

Q. Did you have money in the bank?—A. No.

Q. Where did you get the money?—A. Where did I get it? I earned it.

Q. Where?—A. Where?

Q. The question is, where?—A. Yes. Supposing I went and borrowed it of somebody?

Q. Did you go and borrow it?—A. Yes; I could go and borrow it.

Q. Whom could you go and borrow it of?—A. I could borrow it of a brother of mine.

Q. What is his name?—A. His name is Brown.

Q. His name is Brown? What is his first name?—A. Joe.

Q. Where does he live?—A. Jamaica Plain.

Q. Street and number?—A. 32 Severance avenue.

Q. What does he do?—A. He is a sanitary engineer.

Q. Did he loan you money to live?—A. Sure.

Q. When were you assessed?—A. When?

Q. Yes.—A. At the general registration.

Q. You were assessed at the general assessment, were you, in the spring of 1902?—

A. Yes, sir. 1902 you say?

Q. Yes.—A. Yes, in the spring of 1902.

Q. Did you see the assessors personally?—A. No; I had no occasion to.

Q. Did you give your name to Edward Kane, the proprietor of the house?—A. No.

Q. You did not?—A. No; I went to the court-house, in the old court-house, and got fixed up there.

Q. You went to the old court-house yourself to be assessed?—A. Yes.

Q. When?—A. Well, somewhere around in October; I don't know when.

Q. Last October?—A. A year ago last October.

Q. With whom did you go to be assessed?—A. A year ago last October.

Q. Were you assessed in the spring of 1902 by the assessors of the city of Boston?—

A. I must have or my name would not be on the list.

Q. Did you go to see the assessors to be assessed?—A. No, sir.

Q. Did you give your name to Edward Kane to have him turn it in?—A. No.

Q. You were not assessed from 3 Lowell street in 1901, were you?—A. Yes, sir.

Q. Were you living there in 1901?—A. Yes.

Q. How long have you lived at No. 3 Lowell street?—A. How long have I? Altogether, you mean?

Q. Yes.—A. About eighteen months.

Q. Eighteen months back from to-day or from about this time?—A. Yes, sir.

Q. Eighteen months back from to-day. How long have you lived at 3 Lowell street, altogether?—A. How long?

Q. Yes.—A. I can not keep count of it, no.

Q. Give us your best recollection.—A. Probably altogether, probably about going on three years or more; yes, probably going on four years.

Q. Did you ever go to the assessors personally to get assessed?—A. Yes.

Q. When?—A. A year ago. Let me see. Now, I guess—I know that I had to go to the old court-house in court square; I do not recollect just what month it was that I did go to get assessed.

Q. Did you go to City Hall to be assessed?—A. No; I did not.

Q. Who went with you as a witness when you were assessed?—A. I have forgotten who it was.

Q. I understood you never gave your name to Edward Kane to turn over to the assessors?—A. You understood so?

Q. Did you ever give your name to Edward J. Kane, the proprietor of the house, to turn over to the assessors?—A. No.

Q. Did you ever sign your name to any paper to be turned over by Edward J. Kane to the assessors?—A. No, sir.

Q. At any time within the last three years?—A. No, sir.

Cross-examination by Mr. CAMPBELL:

Q. On May 1, 1902, what was your domicile—your residence?—A. No. 3 Lowell street.

Q. You knew Mr. Kane to be the proprietor of that?—A. I have seen the gentleman; yes.

Q. And you told him to send your name in?—A. I did not.

Q. That you wanted to be registered, did you?—A. No; I did not.

Q. When you spoke about being assessed, and going to the old court-house, you did not mean being assessed; you meant that you were registered there, did you not?—A. Well, that is what I mean to say; yes. He was asking me about assessment and registration both.

Q. You were registered there?—A. Yes.

Q. When you work, you work at odd jobs here and there, any time you can get it, is that it?—A. Well, when my business is dull; yes.

Q. You pick up any jobs that you can?—A. Yes.

(Mr. Malley called James A. Burke and John Cleary, and, as they did not respond, offered subpoenas with the officer's return thereon, which were respectively marked "Ex. 31, J. H. B.," and "Ex. 32, J. H. B.")

JAMES M. CONLON, sworn.

By Mr. MALLEY:

Q. State your full name, age, residence, and occupation.—A. James M. Conlon; 36 years of age; teamster; residence, No. 3 Lowell street.

Q. How long have you lived at No. 3 Lowell street?—A. About three years.

Q. Steadily?—A. Not steadily; no. I was out of there a couple of months last summer.

Q. Where were you born?—A. In Milford, Mass.

Q. How long have you lived in Boston?—A. All my life. At one time I have been away for three years, out West.

Q. Been away for three years?—A. Yes; previous to 1890.

Q. Are you married?—A. No, sir.

Q. Do you make your home at 3 Lowell street?—A. Yes.

Q. In what room?—A. In the back room off of the hall.

Q. Keep your baggage there?—A. Some of it; yes, sir.

Q. Where do you keep the rest of it?—A. I keep the rest of it on me—the most of it.

Q. What do you keep there in this room?—A. I keep a suit of clothes, a suit of underwear—a couple of suits—a hat, and coat.

(Objected to.)

Q. That room is on the second story?—A. On the first story I said.

Q. Have you occupied the same room for the last three years?—A. No; I was upstairs for a while.

Q. How long have you been occupying the same room in which you live now?—A. Since about shortly before Thanksgiving; I think about a week before.

Q. Previous to that what room did you occupy?—A. Previous to that I have been living over in Charlestown for a couple of months, as I tell you, where I was working.

Q. Well, you have been living at 3 Lowell street since last November?—A. Yes.

Q. Previous to that you lived in Charlestown two months?—A. I lived there three months.

Q. That would take you back to about July?—A. Yes; it would take me back until about the latter part of June.

Q. You lived where previous to the latter part of June?—A. Over in 206 Main street, Charlestown, and No. 10 Johnson avenue, Charlestown.

Q. I mean previous—before?—A. Oh, previous. No, 3 Lowell street.

Q. How long did you live this last stretch, up to last June, at 3 Lowell street?—A. Oh, about—I think it must be about two years and a half, or nine months.

Q. Steadily?—A. Yes.

Q. During that time, or take it from February to June 1, what room did you occupy?—A. I occupied a room up on the second story; a side room, fronting the street.

Q. Did you occupy it May 1, 1902, alone?—A. No; not alone.

Q. How many other men occupied it with you?—A. Well, there was two other men.

Q. Continuously during April and May?—A. Well, not continuously; sometimes they were working nights, and sometimes they slept days there.

Q. How many beds in that room?—A. Two.

Q. One single and one double?—A. Yes, sir.

Q. What were the names of those men?—A. Well, one of them; his name was Sheridan; I don't know the others' names.

Q. Do you know Sheridan's first name?—A. John, I think.

Q. You don't know the other's name at all?—A. No.

Q. Those two men occupied the same room with you at night for about two months?—A. Yes.

Q. For any time longer than that?—A. Probably longer than that; yes.

Q. You never bothered to ask the other man's name?—A. No; I never did.

Q. Have you ever seen him since?—A. Well, I have seen him a couple of times; yes.

Q. Did you give your name to Edward Kane to be assessed May 1?—A. No; I didn't have to; my name was carried over from the last election.

Q. Did you ever while at 3 Lowell street give your name to Edward Kane to be assessed?—A. No, sir; I did not.

Q. Did you get assessed at city hall?—A. I went up to city hall and got assessed myself.

Q. With whom?—A. With a man named Hughey Doherty and another man named Quinn.

Q. Where did Doherty live?—A. I don't know.

Q. How long had you known Doherty?—A. Twenty years or so.

Q. Don't know where he lived?—A. He never told me; no. He didn't live at one place all the time.

Q. Did you know Quinn?—A. Yes.

Q. What is his name?—A. James Quinn.

Q. Where did he live at the time you went up to get assessed?—A. I don't know; somewhere out in Roxbury, I guess.

Q. When was this time you went up to get assessed?—A. About three years ago.

Q. Mr. Quinn lived in Roxbury, you say? Where did Mr. Doherty live?—A. Somewhere in the west end.

Q. Did you ever hear of his living in Ward 8?—A. I think so; yes.

Q. What reason have you for thinking he did?—A. I think so; I don't know.

Q. You don't know any particular house or street he lived in or on?—A. No.

Q. How frequently did you use to see Hughey Doherty?—A. I used to pass him generally once a day because he passed the door where I worked every day.

Mr. CAMPBELL. I object to all of this, your honor.

Q. When did you get registered?—A. I got registered, I think, about three years ago from No. 3 Lowell street. My name was carried over, I suppose; my name was on the voting list all the time; I never changed my residence.

Q. On May 1, 1902, you never wrote your name on a piece of paper and gave it to Mr. Kane to be assessed?

(Objected to.)

A. I never did.

Q. Did you vote at the Congressional election on November 4, 1902?—A. Yes; I did—both elections, yes.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your home—your legal residence, your domicile was at No. 3 Lowell street, Boston?—A. Yes, sir.

Q. You were there three years ago, did you say?—A. Yes, sir.

Q. You were there at the previous election?—A. Yes.

Q. Did you vote?—A. Oh, yes; I have voted for the last ten years.

Q. Whom did you vote that year for Congress?

Mr. MALLEY. I object.

Mr. CAMPBELL. You answer that if you want to. That is all.

(Mr. Malley called James Finn, John Fagan, Martin F. Dolan, and Bartholomew F. Dolan, and, as they did not respond, offered subpoenas with the officer's return thereon, which were respectively marked "Ex. 33, J. H. B.," "Ex. 34, J. H. B.," "Ex. 35, J. H. B.," and "Ex. 36, J. H. B.")

EDWARD HACKETT, sworn.

By Mr. MALLEY:

Q. Will you state your full name, age, residence, and occupation?—A. Edward Hackett; rubber worker; 43; residence at present at No. 3 Lowell street.

Q. Where were you born, Mr. Hackett?—A. Ireland.

Q. When were you naturalized as a voter?—A. About fourteen years ago.

Q. Where?—A. South Framingham.

Q. In the court at South Framingham?—A. No, sir; in Boston, Mass. I was living in South Framingham and working there.

Q. You got naturalized at the Federal building here in Post-Office Square, at the court there?—A. Yes, sir.

Q. Do you remember about what month?

Mr. CAMPBELL. I object. It is a matter of record.

A. I think it was in April.

Q. Do you remember the year? You said fourteen years ago. Can you remember?—A. I think it was in 1884 or 1885, I would not be sure.

Q. Have you got your naturalization papers?—A. Yes, sir.

Q. Have you got them with you?—A. No, sir.

Q. Where are they?

Mr. CAMPBELL. I object. It is immaterial.

A. They are in a friend's house of mine.

Q. In what friend's house are they?—A. What friend's?

Q. What is the name of your friend?

Mr. CAMPBELL. I object.

A. Mr. Reynolds.

Q. Where does he live?—A. He lives in Somerville.

Q. What street and number in Somerville?—A. Well, I can not tell you the number of the house.

Q. The name of the street?—A. Willard. No; I don't know that.

Q. What is his first name?—A. Patrick J. Reynolds.

Q. What is his business?—A. Liquor dealer.

Q. Where does he keep store?—A. No. 21 Leverett street.

Q. On May 1, 1902, where were you living?—A. Lowell street.

Q. What number?—A. No. 1, I believe.

Q. On May 1, 1902, you were living at No. 1 Lowell street?—A. Yes, sir.

Q. In what room in No. 1 Lowell street were you living?—A. I would not be sure about that.

Q. You don't know which room?—A. No.

Q. What floor?—A. On the third floor.

Q. The third floor from the street?—A. Yes.

Q. Whether or not it was a front room or a back room, if you remember?—A. Well, it faced the street; it was a small room.

Q. How long had you lived in this room at or about that time?—A. Well, I had been out of there—I have been there—that is not the only room in the house I have been in.

Q. That is where you slept May 1, was it not? How long did you occupy that room at about that time? Did you occupy it during the month of April?—A. Yes, sir.

Q. And the month of May?—A. Yes, sir.

Q. Did you occupy the room alone?—A. No, sir.

Q. How much did you pay for this room?—A. A dollar a week.

Q. How many other men than you occupied it with you during this time?—A. Well, sometimes there was two more besides myself, possibly.

Q. How many occupied it with you on May 1, 1902?—A. Well, I could not recollect. There may have been two; there may have been three.

Q. Who were they?—A. I don't know their names.

Q. Did you know their names?—A. No, sir.

Q. Did you ever have any conversation with them?—A. Not more than ordinary; possibly spoke to them.

Q. Used to see them every morning when you got up?—A. Sometimes they got up ahead of me.

Q. Quite frequently you would see them as you got up in the morning?

(Objected to as immaterial.)

A. I would bid them "Good evening," or "Good morning," or something like that.

Q. Never bothered to ask their names?—A. No, sir.

Q. Never bothered to ask their names, did you?—A. No, sir.

Q. When was the last time you saw any one of those men that were there May 1, 1902?

Mr. CAMPBELL. I object; it is immaterial.

A. Well, I saw one of them about three months ago.

Q. Where?—A. At Boston.

Q. What was his name, if you know?—A. I don't know.

Q. You say that three other men than you slept in this room with you, moved about, and you don't know their names. How long did those three men stay? How many nights did those three men stay in that room with you?—A. Two of them stayed there, to my recollection, all of three weeks.

Q. You never bothered to ask their name?—A. No, sir.

Q. How long did the other one stay there?—A. Well, possibly a week.

Q. What did you do, Mr.— A. I told you, didn't I? My name is Hackett.

Q. What do you do?—A. I am a rubber worker.

Q. Where do you work?—A. Cambridge.

Q. For whom there?—A. The American Rubber Company.

Mr. MORAN. A corporation.

Q. Are you working there this present few days?—A. No, sir.

Q. When was the last time you were working there?—A. It is a few weeks since I worked there.

Q. How many weeks?—A. Well, I always thought a few weeks was two weeks.

Q. You worked there two weeks ago?—A. No, sir; I did not.

Q. When was the last time you worked there?—A. Well, the last place I worked at was there.

Q. When was the last time you worked there?—A. Well, a few weeks ago, I told you.

Q. What do you mean by "a few weeks ago?"—A. I thought a few weeks was two weeks.

Q. Then, two weeks ago you worked for the American Rubber Company in Cambridge?—A. Yes.

Q. How long have you worked for them since May 1, 1902?—A. About six months.

Q. That is, from May 1, 1902, down to two weeks ago you worked regularly for the American Rubber Company in Cambridge?—A. Not regularly.

Q. What proportion of the time have you worked there?—A. Off and on.

Q. Now, I will start again. From January 1, 1902, down to two weeks ago, when you say you last worked for them, what proportion of that time did you work for the American Rubber Company at Cambridge?—A. Probably half of that time.

Q. Did you work anywhere else during that period?—A. Yes; I have been peddling.

Q. When you worked for the American Rubber Company did you work under the name of Edward Hackett?—A. Yes, sir; and no other name.

Q. You worked there about half the time. Where did you work any other time?—A. I told you I had been peddling.

Q. For whom?—A. For myself.

Q. What did you peddle?

(Objected to as immaterial.)

Q. What did you peddle? Will you answer that question?—A. Yes, sir; if I am compelled to.

Q. What did you peddle? I want to know something about this man who says he was a legal voter. It is part of our charge that there were illegal voters there.—A. You don't think that I ain't a voter? What?

Q. Will you answer the question? What did you peddle?

(Objected to as immaterial.)

DEAN, J. Unless the answer will tend to criminate you, you ought to answer it. Mr. Witness,

A. There is no danger of its criminating me. I will tell you, Mr. Counsel, I peddled piccalilli, for instance—chowchow. How's that?

Q. With a horse and team?—A. No, sir.

Q. On foot, carried it around in a bucket?—A. Around in a bucket.

Q. Where were your headquarters?

(Objected to.)

A. What do you mean by "headquarters?"

Q. When you started out in the morning, where did you buy piccalilli?—A. Down here; I can not tell you the number.

Q. Tell me from whom you bought it.

(Objected to as immaterial.)

A. Oh, down here in Boston, pretty near Atlantic avenue; I can not tell you the name.

Q. Don't you know the name?—A. Well, you get a little mixed up.

Q. For how long a time were you peddling piccalilli?—A. Possible for six months.

Q. You used to buy this piccalilli at the same place?—A. Yes, sir; it is on Atlantic avenue; I haven't it in my house.

Q. Don't you know the name of the wholesale house with which you deal?—A. Yes; I know the name. It is Budlong. Now you have got it, do you know anything about it?

Q. You supported yourself during that time selling piccalilli? Did you have any headquarters to keep the buckets you carried?—A. Always left them down there.

Q. You never kept them at 1 Lowell street, did you?—A. No, sir.

Q. Did you have any baggage at this room at 1 Lowell street?—A. No, sir.

Q. Did you have any baggage but what you have on now?—A. No, sir.

Q. Never kept it anywhere else, did you? When were you assessed as a voter?

Mr. CAMPBELL. I object. It is a matter of record.

A. Well, I have been a voter for the last ten years.

Q. When were you first assessed from Lowell street and from what number were you assessed?

Mr. CAMPBELL. I object. It is a matter of record.

Q. Do you know?—A. Well, I can not tell you the date.

Q. Did you, while you lived at Lowell street, give your name to Edward Kane to turn over to the assessors to get you assessed?—A. No, sir.

Q. You never wrote on a paper?—A. No, sir.

Q. Your name and turned it over to Edward J. Kane to hand to the assessors?—A. No, sir.

Q. Nor ever told him to do that?—A. No, sir.

Q. At any time on or previous to May 1, 1902, you never told anybody to have you assessed from any place nor ever gave your name to the assessors?

DEAN, J. Well, Mr. Witness, you ought to answer and not to nod.

Q. Yes or no?—A. I said no, sir.

Q. Did you vote at the Congressional election November 4, 1902?—A. Yes, sir.

Q. Under the name of Edward Hackett?—A. Yes, sir.

Q. Did you talk with anybody about what you should testify here to-day?—A. No, sir.

Q. From what number on Lowell street did you vote on the last Congressional election?

MR. CAMPBELL. I object. It is a matter of record.

Q. From what number Lowell street did you vote?—A. Well, I understand it don't make much difference. I was stopping there at either 1 or 3.

Q. Don't you know which you voted from?—A. I think I voted from No. 1.

Q. That is where you stopped May 1?—A. Correct, correct; that is the very place where I stopped.

Q. You voted from No. 1 Lowell street?—A. Yes.

Q. You were registered from No. 1 Lowell street, were you not?—A. Yes, sir.

No cross-examination.

(Mr. Malley called E. A. Crocker and Russell H. Hibbs, and, as they did not respond, offered subpoenas with the officer's return thereon, which were respectively marked "Ex. 37, J. H. B.," and "Ex. 38, J. H. B.")

JOSEPH M. HUBBARD, sworn.

By MR. MALLEY:

Q. State your name, age, residence, and occupation.—A. Joseph M. Hubbard; 25 years old; teamster; 3 Lowell street.

Q. For whom are you working as teamster?—A. For L. Finnegan, Atlantic avenue, 117.

Q. What is his business?—A. Well, he is a general teamster.

Q. Do you drive team for him?—A. Yes, sir.

Q. How long have you acted as teamster for him?—A. Off and on for about a year.

Q. Were you working for him May 1, 1902?—A. No, sir.

Q. Where were you born?—A. Boston.

Q. You lived where, did you say?—A. No. 3 Lowell street.

Q. How long have you lived at 3 Lowell street?—A. Two years.

Q. When did you first come to live there?—A. Two years ago.

Q. Have you occupied the same room for the last two years there?—A. Not the same room; no, sir.

Q. During April and May, 1902, what room were you accustomed to sleep in?—A. The first floor, in the back room.

Q. Did you have any baggage there?—A. I had a suit of clothes, which I left up in the office.

Q. Did you occupy that room alone?—A. No, sir; there were several others.

Q. How many others were in that room?—A. Five, I think.

Q. How big was that room?—A. It was a room 16 by 18.

Q. Of whom did you hire that room?—A. Mr. Kane.

Q. What did you pay for the privilege of sleeping in it?—A. A dollar a week.

Q. Five other men slept there that night with you?—A. Yes, sir.

Q. What were their names?—A. I didn't know any of them.

Q. Had those five men slept there during April and May?—A. Yes, sir.

Q. And the same men during April and May?—A. I think so; yes.

Q. From March?—A. I could not say as to March.

Q. Into June, did they sleep there, about the same men? That is to say, they were your roommates?—A. They were there; yes.

Q. For two or three months?—A. Yes.

Q. And you never at any time knew their names?—A. No, sir.

Q. You never inquired as to what their names were?—A. No, sir.

Q. Have you seen them since June?—A. Well, I have seen them—yes; seen them around; run across them casually.

Q. Never happened to meet them so that you found out their names in any way?—No, sir.

Q. When were you first assessed from No. 3 Lowell street?

MR. CAMPBELL. I object. It is a matter of record.

A. A couple of years ago.

Q. When did you say you were assessed?—A. A couple of years ago.

Q. Were you assessed at the general assessment?—A. Yes; I left my name. I was working that day, and I left my name there.

Q. With whom did you leave your name?—A. With Mr. Kane.

Q. Did you write your name on a paper and give it to him?—A. No, sir.

Q. That is, you left your name with him orally; said, "My name is so-and-so; give it to the assessors?"—A. I gave my name; yes, sir.

Q. You never went up to the court-house or city hall to get assessed?—A. No, sir.

Q. You never went up to the board of election commissioners—you know where that is?—A. Yes.

Q. To get registered?—A. No, sir.

Q. And all you know about being assessed is that after you had given your name to Edward Kane, the proprietor, he told you later, didn't he, that he had given it to the assessors to be assessed?—A. He certainly understood it; yes.

Q. Did you vote at the Congressional election on the 4th of November?—A. Yes, sir.

Q. Will you kindly say which 4th of November you mean?—A. Last year, 1902.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your domicile, your place of residence, your home, was at No. 3 Lowell street?—A. Yes, sir.

PHILIP J. KEEFE, sworn.

By Mr. MALLEY:

Q. Will you state your full name, age, residence, and occupation?—A. Philip J. Keefe; 42 years of age; residence, No. 3 Leverett street; occupation, mattress maker.

Q. Where do you work?—A. I work for Mr. McCarthy, 46 Fulton street.

Q. Is he a mattress maker?—A. Yes.

Q. How long have you worked there?—A. I have worked there one or two days a week, any time he gave me employment; he is not a very successful business man but he hires me, and I get enough—

Q. What is your pay a week?—A. Anywhere from \$2 to \$4 or \$5.

Q. On May 1, 1902, where did you reside?—A. No. 3, Lowell street.

Q. What part of No. 3 Lowell street did you occupy?—A. I slept in the front part on the top floor.

Q. The front room on the top floor?—A. Yes.

Q. On the top floor of No. 3 Lowell street there was one large room, was there not?—A. Yes, sir; quite a large room.

Q. How many beds were in that room?—A. There was six, I believe.

Q. Six double beds?—A. Three double beds; six could sleep there—that is, two in a bed.

Q. How many men besides you slept in that room?—A. I told you there was three double beds; I mean six men could sleep there.

Q. Five besides you slept there?—A. Yes, sir.

Q. What were their names?—A. Mr. Caldwell and a fellow by the name of Mullen.

Q. What Mr. Caldwell?—A. John, I believe. He was a witness here the other day.

Q. What is the other man's name?—A. James J. Mullen, I believe; and the rest I did not notice.

Q. How many nights did the rest of them sleep there?—A. Do you mean all of them?

Q. Yes; did all of them sleep there?—A. I could not tell you.

Q. Well, a few weeks?—A. I can not answer; I can not tell you.

Q. A few weeks?—A. Oh, those people I have mentioned, do you mean?

Q. Yes.—A. Oh, yes; they had been there off and on for two years to my knowledge; two years.

Q. And the other people?—A. The rest I can not answer for.

Q. Were they there several nights?—A. Oh, yes; must have been.

Q. A couple of weeks?—A. Yes.

Q. Any longer than that, that you know?—A. There may have been and I not know it.

Q. You did not take particular note?—A. No, sir.

Q. You never attempted to get their names?—A. No, sir.

Q. If they had been there a year or so, you would have noticed them and learned their names the way you did Mullen's and Caldwell's?—A. No. The only way I knew them was because I knew them from boyhood; in that way.

Q. If you had not known them from boyhood they might have stayed there a couple of years and you would not have known their names?—A. Most likely.

Q. Did you ever live on Leverett street?—A. No, sir.

Q. Did you vote at the Congressional election, November 4, 1902?—A. Yes, sir.

Q. When were you assessed?—A. I was assessed, I believe, in—what do you mean, for this election?

Q. How many years have you voted from No. 3 Lowell street?—A. I have voted there only two years. I was assessed in 1900, I believe.

Q. Did you give your name to the assessors?—A. I did, sir.

Q. Yourself, personally?—A. Myself, personally.

Q. Did you give it to them in May when they came around?—A. I gave it to them. I think, in March—somewhere around the 8th or 10th of March.

Q. About the 8th or 10th of March, 1900, you gave your name to the assessors?—A. Yes, sir.

Q. To be assessed for the year 1900?—A. I do not quite understand that question.

Q. What part of it don't you understand?—A. I don't understand—you ask me about assessors. I went and got assessed myself.

Q. You went up to city hall and got assessed yourself?—A. Yes; I went up to the court-house and got assessed.

Q. Who went with you?—A. Nobody went with me.

Q. Did you get assessed without any witnesses?—A. Yes.

Mr. MORAN. He means registered.

The WITNESS. I mean registered; that is what I mean; to get registered.

Mr. MORAN. We know you get assessed at city hall and registered at the old court-house. Anybody who don't know that don't know anything.

Mr. MALLEY. I object.

Q. You can understand, since you know where people get assessed, that they get assessed at city hall and that they get registered at the old court-house?—A. Yes.

Q. So when you got assessed—now you understand what assessing is?—A. Yes.

Q. Now, when?—A. I told you, as near as I could tell, 1900, anywhere between the 8th and 10th of March.

Q. You went up to city hall to get assessed at the proper place?—A. Yes.

Q. Who went up with you to city hall when you got assessed?—A. I had assessment papers sent to me, I suppose from city hall, and I went up there.

Q. Did any witnesses go up with you?—A. No, sir.

Q. Are you quite sure this was in March, 1900?—A. I believe so; as near as I can tell.

Q. For whom were you working the 1st of May, 1902?—A. This man I have just mentioned, Mr. Eugene McCarthy.

Q. How much did you pay for the privilege of occupying this room?—A. One dollar a week.

Q. Are rooms ever let there by the day?—A. I can not tell you; I never knew them to be.

Q. Did you ever see a sign out there that says, "Rooms, 15, 20, and 25 cents per night?"

Mr. CAMPBELL. I object.

Q. You know that sign is out there?—A. Fifteen and 25 cents? No, sir.

Q. Is there not a sign outside of 1 and 3 Lowell street which says, "Kingston House. Rooms 15, 20, and 25 cents a night?"

Mr. CAMPBELL. I object.

A. I could not answer you.

Q. Well, you have lived there for two years, and you can not now tell us one way or the other whether that sign is up there?—A. I have lived there for four years.

Q. And you can not tell us whether that sign is up there on the outside, "Kingston House?"—A. I can not tell.

Q. Was it out yesterday?—A. I can not say.

Q. Was it out any time the last five months?—A. I can not tell.

Q. Was it out on May 1, 1902?—A. I can not tell.

Q. You can not tell one way or the other about it?—A. No, sir.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st day of May, 1902, you lived, your place of residence, your home, your domicile, was at No. 3 Lowell street, Boston?—A. Yes, sir.

(Mr. Malley called William J. Lee and Patrick Lally, and, as they did not respond, offered subpoenas with the officer's return thereon, which were marked respectively, "Ex. 39, J. H. B.," and "Ex. 40, J. H. B.")

JOHN LEONARD, sworn:

By Mr. MALLEY:

Q. Will you state your full name, age, residence, and occupation.—A. John Leonard; 32 years of age; No. 3 Lowell street; I am peddling, lately.

- Q. Where were you born?—A. Ogdensburg, N. Y.
- Q. When did you come to Boston?—A. I should judge about ten years ago.
- Q. Did you ever live in Cambridge?—A. No, sir.
- Q. Or Somerville?—A. No, sir.
- Q. When you came to Boston ten years ago, where did you go to live?—A. East Boston.
- Q. What street?—A. Chelsea street.
- Q. What number?—A. 52.
- Q. Live with your family there—your father and mother?—A. No, sir.
- Q. Whom did you board with?—A. Well, boarded with my aunt.
- Q. What was her name?—A. Mrs. Morrison.
- Q. Does she live there now?—A. Not at the present time.
- Q. How long did you live at 52 Chelsea street, East Boston?—A. Two years.
- Q. Where did you go then?—A. Well, I lived more than that in East Boston.
- Q. You can correct your statement, if you like. How long did you live in East Boston?—A. Probably three years.
- Q. Where did you go then?—A. Well, I went to Boston; the West End.
- Q. Did your aunt live with you?—A. No.
- Q. Where did you go to live at the West End—what street and number?—A. Mr. Morrison's place.
- Q. Where is that?—A. Billerica street.
- Q. What number?—A. 16.
- Q. Is that a lodging place?—A. No, sir. It might have been a lodging house; I lived there, though.
- Q. A boarding house?—A. Well, or a lodging house.
- Q. What is Mr. Morrison's first name?—A. John.
- Q. Does he live there now?—A. No; he is dead.
- Q. How long did you live at 16 Billerica street?—A. Well, I lived there a good many years.
- Q. Where did you go then?—A. Eaton street.
- Q. What number?—A. 14.
- Q. How long did you live there?—A. About a year.
- Q. With whom?—A. I can not remember his name.
- Q. Where did you go then?—A. To Poplar street.
- Q. What number?—A. No. 1.
- Q. How long did you live there?—A. About three years.
- Q. With whom?—A. Mrs. Brown.
- Q. Does she live there yet?—A. I don't know whether she does.
- Q. Where did you go then?—A. To Mr. McNally's.
- Q. Where is that?—A. 19 Causeway street.
- Q. How long did you live there?—A. Stayed there quite a while; I could not tell you.
- Q. About how long?—A. Oh, it might have been three or four months; might have been five.
- Q. Where did you go then?—A. To Mr. King's or Kane's.
- Q. Lowell street?—A. Lowell street.
- Q. What number?—A. No. 3.
- Q. About when was that?—A. About two years ago.
- Q. Been there ever since?—A. Yes, sir.
- Q. No. 3, you said?—A. No. 3.
- Q. What?—A. No. 3 Lowell street.
- Q. Did you occupy the same room there those two years?—A. Well, yes, sir.
- Q. What room was it?—A. I don't know the numbers of the rooms.
- Q. What floor was it?—A. The bottom floor.
- Q. The bottom floor of the house, the first floor?—A. The first floor.
- Q. Front?—A. No; back.
- Q. You occupied that room for the last two years?—A. Yes.
- Q. Occupy it alone?—A. No.
- Q. How many other people occupied it with you?—A. Well, there was six. Let me see, there was—
- Q. There were how many beds?—A. Oh, well, three beds.
- Q. Six singles?—A. Three single beds.
- Q. Three double beds? Did six people sleep in three single beds?—A. Yes.
- Q. So that there were other beds?—A. I did not say single, I said three double beds.
- Q. Who were those that slept there May 1, 1902?—A. I could not tell that very well.

Q. Do you know them?—A. I know them—saw them—that is all.

Q. Did not know them by name?—A. No.

Q. Then there were five besides you sleeping there in the months of April and May, you think?—A. I think so, yes.

Q. Longer than two months, those five men slept there?—A. Yes, sir.

Q. And those were the months of April and May, 1902?—A. Yes, sir.

Q. And you do not know their names?—A. I do not know them.

Q. You never bothered to ask them?—A. No, sir.

Q. You can not now recollect their names?—A. I might, but I do not think of them now.

Q. Did you become familiar with their faces?—A. Yes.

Q. So that you would know them when you saw them again?—A. I might speak to them, "Hullo," and that is all.

Q. Are they living there now?—A. I think they are.

Q. In that room you occupied?—A. Some of them; yes.

Q. When did you first know you were summoned to come here to-day?

Mr. CAMPBELL. I object. It is a matter of record.

Q. When did you first know that you were summoned here to-day?—A. From the summons I received at the house.

Q. Did you know that everyone that was registered from 1 and 3 Lowell street was summoned?—A. I knew that.

Q. You knew that, didn't you?—A. I know I had a letter, that is all I know, and I opened it.

Q. Who handed it to you?—A. Well, it was left there in the office for me. I did not pay any attention to it.

Q. Now, on the night of the day you were summoned did you sleep in that room?—A. Yes, sir. Oh, pardon me.

Q. Did you sleep in that room the night of the day you were summoned?—A. I must have slept in it, because I have been sleeping there two years.

Q. Did you have any talk at all with your five roommates about being summoned to court?—A. Did not have any talk at all.

Q. Not a word?—A. No, sir.

Q. Did you know that everybody in the house was summoned who had been there May 1?—A. I did not know the first thing about it.

Q. Now, those five men that were there the night you were summoned were the five men that were there May 1, 1902, were they not?—A. Well, they were all familiar faces to me, no doubt they were.

Q. But when you six went to bed at night, you never bothered to talk about this court proceeding, did you?—A. As a fact, I did not talk to anybody.

Q. A matter of perfect indifference to you. Did you vote at the Congressional election on the 4th of November, 1902?—A. Yes, sir.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your home, your residence, your domicile, was No. 3 Lowell street, Boston?—A. Yes, sir.

Q. On the 4th of November last you voted in the State election in Massachusetts?—A. I did.

(Mr. Malley called Joseph Mack, Henry B. Quimby, Michael J. Reed, Patrick J. Murphy, Robert O'Brien, and John Sullivan, and, as they did not respond, presented subpoenas with the officer's return thereon, which were respectively marked "Ex. 41, J. H. B.," "Ex. 42, J. H. B.," "Ex. 43, J. H. B.," "Ex. 44, J. H. B.," "Ex. 45, J. H. B.," and "Ex. 46, J. H. B.")

EDWARD ROGERS, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. Edward Rogers; 33 years old; No. 3 Lowell street; teamster.

Q. For whom are you working now as teamster?—A. C. Linchan.

Q. Where is his place of business?—A. East Cambridge.

Q. When did you last work for him?—A. Last Thursday.

Q. On May 1, 1902, where did you live?—A. No. 3 Lowell street.

Q. How long have you lived at No. 3 Lowell street?—A. A little over three years.

Q. Are you a married man?—A. No, sir.

Q. Where were you born?—A. Charlestown.

Q. What street and number?—A. 22 Charles street place.

Q. When did you last live in Charlestown?—A. About twelve years ago.

Q. Where?—A. On Main street.

- Q. Where did you live before you came to 3 Lowell street?—A. 32 Brighton street.
- Q. With whom?—A. Mrs. O'Connor.
- Q. How long?—A. About a year.
- Q. Whom were you working for?—A. L. P. Slaven.
- Q. Where were you living then?—A. 19 Spring street.
- Q. Ward 8?—A. Yes.
- Q. With whom?—A. Monohan.
- Q. How long did you live there?—A. I guess about two years.
- Q. The last three years what room have you occupied at No. 3 Lowell street?—A. The room on the top floor, front.
- Q. How many besides you occupied it?—A. At times there were different numbers.
- Q. How many besides you slept there on May 1, 1902?—A. I could not tell you; I do not remember.
- Q. Was it twenty-four?—A. Twenty-four sleep in the room? No.
- Q. How many beds were in the room?—A. Three.
- Q. On the top floor, in the large room?—A. Yes, sir.
- Q. — of No. 3 Lowell street there were three beds?—A. Yes.
- Q. Were those single beds or double beds?—A. Double beds.
- Q. That would accommodate six people, would it?—A. Yes.
- Q. Were all those beds occupied May 1, 1902?—A. I could not tell you; I do not remember.
- Q. Did anybody besides yourself sleep there that night?—A. Yes.
- Q. How many others?—A. I do not remember how many there were.
- Q. More than one?—A. I think there was.
- Q. More than two others?—A. I could not tell you the number, as I do not remember the night.
- Q. You always occupied that same room?—A. That same room; yes, sir.
- Q. Do you know the names of any of those that occupied that room May 1, 1902?—A. No, sir.
- Q. Had you ever seen them before?—A. Yes, sir.
- Q. Where?—A. Around the streets; around the city.
- Q. Had you ever seen them at No. 3 Lowell street?—A. Yes, sir.
- Q. For how long a time had you seen them at No. 3 Lowell street?—A. I do not remember just how long it was.
- Q. Did any of them occupy that room for two years before?—A. Yes.
- Q. Did you learn their names?—A. No, sir.
- Q. Did you talk with them at all?—A. No, sir.
- Q. Did you sleep at 3 Lowell street last night?—A. Yes.
- Q. In that same room?—A. Yes.
- Q. How many slept there with you in that same room last night?—A. I believe there was six there last night, five besides myself.
- Q. Did you talk with anybody about testifying here?—A. No, sir.
- Q. Did not attend a meeting of the Hendricks Club on Sunday?—A. No, sir.
- Q. Did not receive any instructions from the members of the Hendricks Club?—A. No, sir.
- Q. Do you know what the Hendricks Club is?—A. I have known of it; that is all.
- Q. Did you give your name to the assessors?—A. No; I left it with Mr. King to give.
- Q. Did you write your name on a piece of paper?—A. No; I simply asked him to leave it when they came around.
- Q. You did not give your signature?—A. No, sir.
- Q. Did you vote at the Congressional election November 4, 1902?—A. Yes, sir.
- Q. What did you pay for the privilege of sleeping in this room?—A. One dollar.
- Q. One dollar a week?—A. Yes.
- Q. Do they let rooms there by the night?
(Objected to.)
- A. I could not tell you.
- Q. Do you know there is a sign outside there which says, "Kingston House, rooms 15, 20, and 25 cents a night?"
- Mr. CAMPBELL. I object. It is not material.
- Q. Do you know that there is a sign out there?—A. I have never noticed it.
- Q. You have lived there three years?—A. Yes.
- Q. You have never noticed that sign on this domicile of yours?
- Mr. CAMPBELL. I object.
- A. No, sir.
- Mr. MORAN. There is no evidence that there was any sign.

Q. You lived there for three years?—A. Yes.

Q. And you now can not state about your domicile, whether or not there is a sign outside stating terms or prices on it?

(Objected to.)

A. I never noticed it.

Q. Nor the name of the house, "Kingston House?"

Mr. CAMPBELL. I object. It is immaterial.

Q. You can not state, can you?—A. No, sir.

Q. You don't know?—A. No, sir.

Q. You never noticed it?—A. I never noticed it.

Q. You never heard it called the Kingston House?—A. No, sir.

Q. It is a surprise to you now to think that there has been a sign out there that says "Kingston House?"

(Objected to.)

A. No, sir.

Q. Answer that question.—A. No, sir; it is no surprise to me; it might be there for all I noticed.

Q. Did you ever go by that place in the daytime in your life?—A. Yes, sir.

Q. Did you ever look at it when you went by?—A. No; not—that is—

Q. Always went by without looking?—A. I looked at it, but I never noticed anything there to attract my attention.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your residence, your home, your domicile, was at 3 Lowell street, in the city of Boston?—A. Yes.

Q. And you voted on the 4th of November last at the State election in Massachusetts?—A. Yes, sir.

(Mr. Malley called Francis J. Roper and James Ryan, and, as they did not respond, offered subpoenas with the officer's return thereon, which were marked, respectively, "Ex., 47, J. H. B." and "Ex. 48, J. H. B.")

JAMES SHEEHAN, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. James Sheehan; 40 years of age.

Q. Where do you live?—A. At the present time?

Q. Yes.—A. 73 Hancock street, Boston.

Q. What is your occupation?—A. Porter.

Q. Where do you work as a porter?—A. At 73 Hancock street.

Q. Is that a hotel?—A. No, sir; it is not a hotel.

Q. A lodging house?—A. Yes.

Q. For whom do you work there?—A. C. W. Crammey.

Q. Does he live there?—A. Yes.

Q. What is his business?—A. Works at the Parker House, I believe.

Q. How long have you worked for him?—A. Since last November.

Q. How long have you been living at 73 Hancock street?—A. Since last November.

Q. Previous to that where did you live?—A. No. 3 Lowell street.

Q. How long have you lived at No. 3 Lowell street?—A. Oh, about two years, I guess.

Q. All the time during those two years at No. 3?—A. Not all the time; pretty nearly all.

Q. What time have you lived at No. 3 Lowell street is my question.—A. I told you, about two years.

Q. You lived about two years at No. 3 Lowell street?—A. Yes, sir.

Q. What portion of the premises did you occupy at No. 3 Lowell street?—A. Where I slept?

Q. Where was it that you slept?—A. On the second floor.

Q. Front or back?—A. Front.

Q. Did you occupy the room alone?—A. No, sir.

Q. Did you keep any baggage there?—A. Yes, sir.

Q. What did you keep there for baggage?—A. Clothing.

Q. How much clothing?—A. Considerable.

Q. Two or three suits of clothes?—A. No, sir.

Q. One suit of clothes?—A. One suit and other clothing.

Q. Did you keep that in the room in which you slept?—A. Yes, sir.

Q. How many other people slept there with you?—A. I should say in the part

I slept in there was sixteen or eighteen men, probably more than that on that floor where I slept.

Q. Sixteen or eighteen men besides you?—A. Yes.

Q. On May 1, 1902, sixteen men slept there with you?—A. Yes, sir.

Q. How many beds were there there?—A. I think there were eight or ten double beds.

Q. Did you know any of the other men that slept there with you that night?—A. Yes, sir.

Q. What were their names?—A. A man by the name of Shalley.

Q. What was his first name?—A. James, I think.

Q. James Shalley. Anybody else?—A. A man by the name of Grant.

Q. What was his first name?—A. Michael.

Q. Anybody else?—A. Well, there were quite a number there.

Q. But you can not recall them now?—A. No.

Q. Did you know them all at the time?—A. Yes.

Q. You knew all those sixteen men at the time?—A. No; I knew those whose names I just called.

Q. You slept in that room for about two years, did you?—A. Off and on.

Q. Principally on, was it not?—A. Yes, sir.

Q. Practically you slept there continuously for two years?—A. Yes, sir.

Q. And generally every night there were sixteen or eighteen men sleeping there?—

A. Yes, sir.

Q. You can recall the names now of only two of sixteen men that were your room-mates for two years?—A. Yes.

Q. Most of them you did not know?—A. No, sir; I did not.

Q. You had never seen them before they came to sleep there?—A. No, sir.

Q. You do not recollect of seeing them, do you?—A. Yes, sir.

Q. Do you recollect of seeing them all before they came to sleep there?—A. I can not say I saw them all.

Q. A great proportion of them you can recollect of seeing before they came to sleep there; is that so?—A. I saw them there, but I did not know their names.

Q. Did not know anything about them, did you? You kept your suit of clothes and your underwear in that room?—A. Yes.

Q. Have it under lock and key?—A. Yes.

Q. Was there a locker for each man that used the room?—A. No, sir.

Q. What closet in that room did you keep your clothes in?

(Objected to as immaterial.)

MR. MALLEY. I want to show that he did not keep them there.

A. I kept them in the closet that was in that room.

Q. All the men there that had clothing kept it in the same closet?—A. I could not say.

Q. There was only one closet in that room, was there?—A. I believe there was two.

Q. Did you vote at the Congressional election November 4, 1902?—A. Yes, sir.

Q. When were you assessed from 3 Lowell street?—A. I could not exactly say; I think it was around March.

Q. Did you go up to city hall to get assessed?—A. No, sir.

Q. In March, 1902?—A. I think so.

Q. Who went with you?—A. I did not go.

Q. When were you assessed?

MR. CAMPBELL. I object. It is a matter of record.

A. Do you mean when I went to city hall to be assessed?

Q. Yes; when were you assessed?

(Objected to.)

Q. Did you see anyone of the assessors of the city of Boston when you were assessed?—A. I did not go there at that time.

Q. Do you know just how your name happened to be assessed as living at No. 3 Lowell street, from any personal knowledge that you have?—A. Well, I knew the assessors came around about the 1st of May.

Q. Did you give your name to Edward J. Kane?—A. I told him to have my name sent in.

Q. Did you write your name on a paper and give it to him?—A. No, sir.

Q. Did he tell you afterwards he had given your name to the assessors?—A. Yes, sir.

Q. Do you remember when you did that—was it on May 1, 1902?—A. It was in March, I believe.

Q. You told him to give your name to the assessors?—A. Yes.

Q. Everybody in the house told him at the same time?—A. I could not tell you that.

Q. Where were you working in May, 1902?—A. 12 State street.

Q. For whom?—A. Wyman.

Q. What doing?—A. Restaurant business.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your home, your domicile, your residence, was at No. 3 Lowell street, Boston?—A. Yes.

Q. You voted at the State election in Massachusetts on November 4, 1902?—A. Yes, sir.

EDWARD J. SWEENEY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Edward J. Sweeney; age, 27; occupation, teamster.

Q. Where were you born?—A. In Cambridge, Mass.

Q. How long did you live in Cambridge, Mass?—A. I lived there up to six years ago, seven years ago.

Q. Where did you last live in Cambridge, Mass.?—A. At No. 2 Gore street.

Q. With your father and mother?—A. My mother and sister.

Q. Where do they live now?—A. In Allston.

Q. Out here in Ward 25?—A. Yes.

Q. Where do they live?—A. I do not exactly know the name of the street; I have not been out there for some time.

Q. How long since you have lived with them?—A. Over a year.

Q. When you lived with them a year ago, where did you live with them?

(Objected to.)

A. A little over a year ago?

Q. Where did you live with them when you did live with them last?—A. Up on North Harvard street.

Q. Boston?—A. Brighton.

Q. What number?—A. I forget the number.

Q. When did you come to live at 3 Lowell street?—A. I came there in January, 1902.

Q. Where had you been living just previous to that?—A. In a room up on Leverett street, West End.

Q. What number Leverett street?—A. 36.

Q. What is that?—A. A lodging house ran by Mrs. Carroll.

Q. Does she run it yet, do you know?—A. No; I do not.

Q. Does she run it yet, do you know?—A. No.

Q. What portion of the premises 3 Lowell street did you occupy.—A. The second floor.

Q. Front or back?—A. Back.

Q. Did you occupy a separate room?—A. A separate room; I had a man sleeping with me.

Q. One man sleeping with you?—A. Yes.

Q. What was his name?—A. Daniel Tobin.

Q. Is he here yet?—A. He has been in Portsmouth, N. H.

Q. At what time?—A. Two months ago.

Q. You have occupied a separate room ever since January, 1902?—A. From January, 1902, up until June.

Q. Then you went away, where?—A. I went to New Hampshire.

Q. What part of New Hampshire?—A. Meredith.

Q. What were you doing there?—A. Working on a farm there.

Q. When did you come back?—A. In September.

Q. Where did you go then?—A. 3 Lowell street.

Q. The same room?—A. No, sir; a different room.

Q. Where have you been living since you got back?—A. I have been living there a while; then I went to live on Leverett street.

Q. When did you last occupy or live at 3 Lowell street?—A. I went in September.

Q. You stayed and lived there a while, and then went to live at 3 Lowell street?—A. Yes.

Q. When did you last go back there?—A. About the 20th of October.

Q. And have slept in 3 Lowell street from then until the present time?—A. No, sir; I was sleeping there from the 20th of October until into January.

Q. January last past?—A. Yes.

Q. Then where did you go?—A. At the present time, 36 Leverett street.

Q. That is where you are stopping now?—A. Yes, sir.

Q. You voted at the election November 4, 1902?—A. Yes.

Q. Were you assessed at the general assessment of 1902?

(Objected to.)

A. I was assessed from 3 Lowell street.

Q. Did you give your name to the assessors?—A. No, sir; I left my name with the man to give to the assessors. I was working that day.

Q. Whom did you leave it with?—A. A man by the name of Kane; the man that ran the place.

Q. Did you write your name on a piece of paper and give it to him?—A. No, sir.

Q. What did you tell the man?—A. I told him if the assessors came around to give them my name.

Q. Is that all you told him?—A. I wanted to have my name on the voting list.

Q. Is that all you told him?—A. Yes.

Q. You did not give him your age?—A. No, sir.

Q. Nothing but just your name?—A. He knew where I was born, this man did. I gave him my name.

Q. Mr. Kane knew where you were born?—A. Yes.

Q. How did he know it?

(Objected to.)

A. He heard me talking about it one night when I was in the house.

Q. What night was that?—A. I can not tell you.

Q. Did he tell you at the time that he knew just when you were born?—A. No, sir.

Q. How do you know that he knew it?—A. Because I know he did.

Q. You guessed it, did you?—A. Yes.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your place of residence—your abode, your home, your domicile—was at No. 3 Lowell street, Boston?—A. Yes, sir.

EDWARD O'DONNELL, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. Edward O'Donnell; 47 years old; occupation, shoemaker; residence, No. 3 Lowell street.

Q. Where do you work as shoemaker?—A. For the firm of Norman & Bennett, 63 Oliver street.

Q. How long have you been working there, Mr. O'Donnell?—A. Since 1898.

Q. How long have you lived at 3 Lowell street?—A. Since 1898.

Q. What portion of the premises do you occupy?—A. Back room, first floor.

Q. Do you have a separate room?—A. No, sir; there are five others; three cot beds, double.

Q. Did those other five men stay there for several months at the time you stayed there?—A. I know one that sleeps nearest to me.

Q. What is his name?—A. John Leonard.

Q. Does John Leonard know you?—A. I think he does.

Q. He is the man that testified here to-day?—A. Yes, sir.

Q. You are quite sure that he knows you?—A. Well, he is acquainted with me; yes, through sleeping in the same room.

Q. You sleep next to him for a long while?—A. Yes.

Q. Did you hear him testify that he did not know— A. I did not pay any attention to what he was saying.

Q. Do you know the names of any of the others?—A. No; I do not think I do now.

Q. Did those other roommates of yours stay there for a year or so?—A. We do not all go to bed at the same time, at the same hour.

Q. Do they stay in the same room with you?—A. Yes, sir.

Q. And you do not all get up at the same hour?—A. No, sir.

Q. But they have been there for one year?—A. Oh, yes.

Q. And you do not know the name of any man but James Leonard?—A. John Leonard.

Q. When did you get assessed, at the general assessment? You gave your name to Mr. Kane, did you?—A. I authorized him to tell the assessors when they came around.

Q. How did you authorize him?—A. Just simply told him; I did not leave any writing at all.

Q. When did you get registered?—A. At the time they all did, at the Wells school-house.

Q. How many years ago?—A. 1890.

Q. In 1890?—A. Yes; that is it.

Q. When did you last register?—A. 1892.

Q. In 1892?—A. Yes.

Q. Did you get registered last year?—A. Yes, sir.

Q. Where?—A. At the Wells schoolhouse, in Blossom street.

Q. A year ago?—A. Yes.

Q. Or last year?—A. Yes, sir.

Q. Which was it; when was it that you last registered?—A. In 1892.

Q. You mean 1902; you don't mean ten years ago?—A. Oh, no; in 1902, I think it was.

Q. In the spring of 1902, or in the fall?—A. In the spring.

Q. You got registered as a voter; you do not mean assessed?—A. I mean registered as a voter.

Q. In the spring of 1902?—A. Yes.

Cross-examination by Mr. CAMPBELL:

Q. On May 1, 1902, your home, your residence, your domicile was at No. 3 Lowell street, Boston?—A. Yes, sir.

Q. And you voted November 4 at the State election in Massachusetts?—A. Yes, sir.

(Mr. Malley called William Welch and John F. Mahoney, and as they did not respond, offered subpoenas with the officer's return thereon, which were respectively marked "Ex. 49, J. H. B.," and "Ex. 50, J. H. B.")

WILLIAM E. MARTIN, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. William E. Martin; age, 28; residence, 2 Walker street place, Charlestown; occupation, teamster.

Q. Where did you live May 1, 1902?—A. 26 Pitts street.

Q. How long had you lived there up to May 1, 1902?—A. From the latter part of September, 1901, or the 1st of October, 1901, to the middle of June, 1902.

Q. Did you work at 26 Pitts street?—A. I did a few odd jobs there, but no work at all.

Q. What were you doing May 1, 1902?—A. Teamster.

Q. For whom?—A. Duncan & McLean.

Q. Are you working for the same men now?—A. Up to four or five weeks ago; not at the present time.

Q. Have you been working since four weeks ago?—A. No, sir.

Q. How long did you work for Duncan & McLean?—A. I worked somewhere around the 1st of May last year.

Q. You began work there?—A. Somewhere around there. I was laid off during the summer for a couple of months and went back to work.

Q. And worked under the name of William E. Martin?—A. Yes, sir.

Q. Worked up to four weeks ago?—A. Yes, sir.

Q. What room did you occupy at 26 Pitts street?—A. Two flights, front.

Q. Anybody occupy it with you?—A. Yes; Drysdale.

Q. Did James Drysdale occupy it until around the 1st of April?—A. Somewhere around April, through there or a little after the 1st of June.

Q. When were you assessed?—A. The 1st of May. I gave my name there.

Q. To whom?—A. I gave my name to Mrs. Skinner.

Q. Did she run the house there?—A. She did at that time; she accepted the money.

Q. Who is Mrs. Shannahan?—A. She lives there.

Q. Does she run the house?—A. Not to my knowledge. She owns the property, but does not run it.

Q. What is Mrs. Skinner's first name?—A. I could not tell you.

Q. How much did you pay for your room?—A. I paid \$1.50 for my part.

Q. And the other fellow paid the other part?—A. Yes.

Q. What did Mr. Drysdale do at that time?—A. I could not tell you.

Q. He was your roommate?—A. Yes.

Q. You don't know what he was working at?—A. He worked nights; I don't know anything about his business.

Q. You don't know anything about his business? Was he a friend of yours?—A. Just a roommate.

Q. He had roomed with you for a year?—A. I told you he came to room there in April.

Q. How long did he room with you?—A. He roomed with me until somewhere around June before I left there.

Q. Did you leave him there when you went away?—A. No; I was there after him.

Q. During all that time you were sleeping in the same bed?—A. I slept in the same bed; he slept in his, generally; or I would sleep in his; sometimes we would sleep together; sometimes we would sleep alone.

Q. He was a porter at 26 Pitts street, wasn't he?—A. James Drysdale? I could not tell you that. I never knew him to be.

Q. Is he the man that used to sell beer there?

(Objected to.)

A. I could not tell you, sir.

Q. You gave your name to Mrs. Skinner, did you?—A. Yes, sir.

Q. You never went up to city hall?—A. I went up to city hall once to find out if she had given my name in. While I was driving team I drove up there once.

Q. Why did you do that?—A. To make sure—I wanted to.

Q. Did you doubt that she had given it in?—A. No; I didn't doubt it. She said she had. I wanted to make sure; I wanted to be positive about it; I wanted to see the list, so I wanted to be sure.

Q. Do you know John H. Hines, who lived at that house?—A. I knew him by sight.

Q. Do you know a young man who was named Arnold at that house?—A. No, sir; I knew Hines by sight only.

Q. You knew a man named Hines?—A. I knew a man named Hines by sight.

Q. Do you know where he is now?—A. No. I believe he is in the hospital; I could not say.

Q. Where did Hines sleep?—A. That I could not tell you, sir.

Q. Do you know how many rooms there were in 26 Pitts street?—A. I could not tell you, sir.

Q. Do you know Thomas A. Carroll?—A. No, sir.

Q. Did you ever meet a man named Thomas A. Carroll, who lived at 26 Pitts street while you were there?—A. Not by that name.

Q. Did you ever meet a man named Lawrence S. Finnegan while you were there?—A. No.

Q. Did you ever know a man named Joseph Floyd at 26 Pitts street?—A. I don't know anyone by that name.

Q. How many men did live there, so far as you know, at 26 Pitts street, from your knowledge and observation?—A. Well, three or four of them I knew.

Q. Three or four was all you noticed?—A. Yes.

Q. Did you say all you knew or all you noticed?—A. All I noticed. I noticed many of them; all I knew was three or four.

Q. How many did you observe were living there?—A. I could not tell how many I really observed that lived there; I could not tell how many lived there, but I noticed quite a number there.

Q. Do you know Joseph Floyd, who lived there?—A. I did not know anyone by that name.

Q. Do you know James F. Gorman, who lived there?—A. I didn't know anyone living there except my roommate, that I was sure of, who lived there.

Q. Do you know George E. Hastings, who lived there?—A. I don't know anyone by that name.

Q. Do you know John H. Hines?—A. I know him, yes, by sight.

Q. Do you know Alfred Johnson, who lived there?—A. Not by that name.

Q. Do you know Joseph H. Krouse?—A. Not by that name.

Q. Do you know Thomas W. McTiernan?—A. Yes, sir, by sight. I recognized him on the stand last week. I don't know him by that name.

Q. Did he live there, at 26?—A. I have seen him in the place.

Q. Did he live there?—A. I will not swear to his living there. I have seen him in the entry way and on the step.

Q. Did Michael O'Donnell live at 26 Pitts street?—A. I don't remember the name.

Q. Michael Shannahan?—A. Yes, sir; I know him.

Q. He is one of the women, you said, the lady you said was the proprietor?—A. Mrs. Skinner?

Mr. MORAN. He didn't say any such thing.

The WITNESS. I said Mrs. Skinner was the lady who was running the boarding house.

Q. Do you know Michael Shannahan, who lived there?—A. Yes.

Q. Do you know Charlie Skinner?—A. Yes, sir.

Q. Joseph E. Sullivan?—A. No, sir; I do not; not by that name. I may possibly know him by sight.

Q. Did you vote at the election held November 4, 1902, at the State election?—A. I believe so; yes, sir.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, your place of domicile, your home, your residence, was at 26 Pitts street, was it?—A. Yes, sir.

(The witness left the stand.)

Mr. MORAN. I want to ask that last witness a question.

Mr. MALLEY. Will you enter your appearance for Mr. Keliher?

Mr. MORAN. Yes; I will enter it now.

Mr. CAMPBELL. Mr. Martin, take the stand.

(Mr. Malley objected.)

Mr. MORAN. If they will not let that witness come back for a couple of questions, I want to suggest them to Mr. Campbell, who will ask them. If they do not do that, then we refuse to consent to anything except a longhand report, and we refuse to pay any part of the expense of it.

DEAN, J. I think that should be put upon the record, that counsel for Mr. Keliher asked leave to ask a question after the witness has left the stand.

Mr. MALLEY. I object to that on the ground that the officer had no occasion to make the remark or to attempt to have anything to do with the record until the time comes for making it up, unless he has a suggestion to make to one of the attorneys.

DEAN, J. Well, that will be put on the record.

Mr. MALLEY. And on the ground that there is objection made to the officer making a remark when he is not qualified for this position, inasmuch as he does not live in the district.

Mr. CAMPBELL. He does not have to reside in the district. It is not necessary under the law.

WILLIAM J. SHANNAHAN, sworn.

By Mr. MALLEY:

Q. What is your full name?—A. William J. Shannahan.

Q. Where do you live?—A. 26 Pitts street.

Q. What is your occupation?—A. Clerk.

Q. Where?—A. I am not working just at present.

Q. When did you last work as clerk?—A. At Dawson's, on Revere street.

Q. What kind of a place is that?—A. A saloon.

Q. Are you a bartender there?—A. No.

Q. What class of work do you do there?—A. Well, waiting in the office.

(Objected to as immaterial.)

Q. Do you keep books there?—A. No.

(Objected to.)

Q. What kind of work do you do there?—A. Well, done any kind of work; sometimes I would go behind the bar.

Q. You live at 26 Pitts street, do you?—A. Yes.

Q. You lived there May 1, 1902?—A. Yes, sir.

Q. Did you go with Thomas W. McTiernan to city hall, to the board of assessors' room, to swear that he lived at 26 Pitts street?—A. Yes, sir.

Q. Who went with you?—A. A fellow named Mr. Moore.

Q. What is his first name?—A. I don't know his first name.

Q. Where does Moore live?—A. I don't know now.

Q. Who suggested that Moore go along?—A. I did.

Q. Had you ever seen Moore before?—A. Yes; I had.

Q. How many times? Frequently?—A. Oh, I have known him four years or five.

Q. Ever know where he lived?—A. Yes; on Allen street once.

Q. Where was the last place you knew he lived?—A. I don't know. I remember he lived on Allen street.

Q. Is there any other street that you recall that Moore lived on?—A. No.

Q. Did you suggest to McTiernan that he go and get assessed?—A. No; he suggested it to me.

Q. Did Moore know McTiernan?

Mr. CAMPBELL. I would like to have this window over here [a window in a partition] closed while this testimony is going on. I understand that Mr. McTiernan is over there in the other room.

Mr. MALLEY. Well, we will agree that all the witnesses shall be excluded.

BARNES, J. Do you want the witnesses excluded?

Mr. CAMPBELL. I am not asking that they be excluded; I am asking that that window be closed.

Q. Do you know whether or not McTiernan knew Moore?—A. No; I don't know whether he did or not.

Q. Did McTiernan live at 26 Pitts street?—A. Yes; he did once.

Q. On May 1, 1902?—A. Before May 1 and afterwards.

Q. What room did he occupy?—A. Up in the attic.

Q. Whom did he room with?—A. Nobody.

Q. Whom did he hire the room of?—A. He didn't hire a room at all, I don't think.

Q. Did he have free lodgings there two or three months?—A. No. He had it for about a week, say for two weeks.

Q. Before May 1 and after it?—A. Yes.

Q. Did he come and ask to have free lodgings?—A. No; I told him I would bring him down there. He told me he did not have any place to go.

Q. Who was running the house there?—A. Mrs. Skinner.

Q. Is she renting it from your mother?—A. Yes.

Q. Your mother was living there, too?—A. Yes, sir; she is living there now.

Q. Did you ask Mrs. Skinner to give free lodging to this man?—A. Did I? No. She was not there.

Q. Did you ask anybody's consent?—A. No.

Q. Did you have control over this attic?—A. No. If she had said anything I would have made it all right.

Q. Did your mother know he was sleeping in the attic?—A. I think so.

Q. Did she see him?—A. I think so.

Q. Did Mrs. Skinner see him?—A. I don't know.

Q. Did he live there a week and a half without being observed by the landlady, Mrs. Skinner?—A. I don't know, I am sure.

Q. Then he went away about the second week in May, did he?—A. I am not sure whether it was the second week in May.

Q. He was a week and a half there all told?—A. I ain't sure; I know he was there over a week anyway.

Q. More than a week. Do you know where he went to then?—A. No, sir.

No cross-examination.

(Mr. Malley called Thomas A. Carroll, and, as he did not respond, offered a subpoena with the officer's return thereon, which was marked "Ex. 51, J. H. B.")

JAMES S. DRYSDALE, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. James S. Drysdale; July, 1873; 15 Pitts street.

Q. Your age?—A. I was born in 1873.

Q. Residence?—A. 15 Pitts street at the present time.

Q. What is your occupation?—A. Waiter.

Q. Where are you a waiter?—A. In my own hotel, in my own place.

Q. Where is that hotel?—A. 15 Pitts street.

Q. Is that a licensed house?—A. No, it is a lodging house; it is a licensed hotel, in one way.

Q. Is it a licensed lodging house?—A. It is a licensed hotel.

Q. Have you got a license to run a hotel?—A. Yes, sir; I run under the revenue.

Q. Under the United States revenue?—A. I do.

(Objected to as immaterial.)

Q. I understand you run an establishment at 15 Pitts street under a license from the United States?—A. I run a lodging house and hotel.

(Objected to.)

Q. How long have you been running those?—A. About five months.

Q. What did you do before that?—A. I worked in 11 Pitts street.

Q. By the way, are you the proprietor of 15 Pitts street?—A. I am, sir.

Q. And of the furniture in it?—A. I am at present; yes, sir.

Q. You own it in your own name?

(Objected to as immaterial.)

A. Yes, sir.

Q. Previous to starting in five months ago to run the premises at 15 Pitts street; what did you do?—A. I worked at 11 Pitts street.

Q. What were you doing?—A. Clerking.

Q. What kind of a place is 11 Pitts street?—A. Well, it is a lodging house.

Q. What kind of clerk work were you doing?—A. I was serving the 3-per-cent beer.

Q. You were not keeping the books; you were serving beer? You were a waiter, weren't you?—A. Yes, sir.

Q. Previous to that where did you live?—A. I lived at 26 Pitts street.

Q. How long did you live at 26 Pitts street?—A. I went there in the neighborhood of April; about April—about the middle, I should say. I would not make a statement just what day I went there, but I stayed there until June.

Q. What room did you occupy at 26 Pitts street?—A. I had a room upstairs, two flights.

Q. Two flights front?—A. Yes, sir.

Q. Whom did you room with?—A. I roomed with a man named William Martin.

Q. The witness who last testified here?—A. I don't know; I was not here when the last witness testified.

Q. At that time where were you working?—A. I had been working at 11 Pitts street.

Q. Where were you working at the time you stopped at 26 Pitts street?—A. Nowheres.

Q. What did you pay for your room?—A. I gave Mr. Barton a dollar and a half.

Q. Did you go up to city hall to get assessed?

(Objected to. It is a matter of record.)

A. I did.

Q. What? Did you go to city hall to get assessed?—A. I did.

Q. With whom did you go?—A. William Shannahan.

Q. Who else?—A. The other gentleman's name I don't know.

Q. Did you swear that you lived at 26 Pitts street?—A. I did.

Q. What day was that you went up?—A. Well, the day—I can not recollect just the day I went up. I went up in the evening.

Q. Shannahan went up with you and swore you lived there, and a man whose name you do not know?—A. Shannahan went up and swore I lived there. I don't know what the other man swore at all.

Q. Well, he went up for the purpose of getting you assessed, didn't he?—A. Well, I didn't ask him.

Q. You don't know what this man went up with you for?—A. I know what Mr. Shannahan went up with me for; I don't know anything about this other gentleman.

Q. When you got assessed did anyone besides Mr. Shannahan swear to your residence on May 1 before the assessors?

Mr. CAMPBELL. I object. It is a matter of record.

A. Just make that statement again.

Q. When you got assessed from city hall this time or evening that you spoke of, did anybody besides Shannahan and you swear as to where you lived May 1, 1902?—

A. Well, I would not make a statement here. I understand Mr. Shannahan swore as he did.

Q. If anybody else did swear, you don't know anything about it?—A. Well, not exactly; no.

Q. So far as you know, he did not know you?—A. Who was that?

Q. If anybody else did swear as to your residence?—A. Why, anybody would know where my residence is; it has not got to be known.

Q. Well, the only man that you know that went up as a witness before the board of assessors as to where you lived May 1, 1902, was William Shannahan? That is it, is it?

(Objected to.)

A. Yes; if you call them by name at present.

Q. Can you call them by name, anybody who was present that night?—A. I don't know.

Q. When you left there, which was in June, I think you said, where did you go to live then?—A. I went to 11 Pitts street.

Q. Have you ever been convicted of a criminal offense?

(Objected to.)

A. No, sir.

Q. Never have?—A. No, sir.

Q. Did you vote at the polls on November 4, 1902, at the State election held that day?—A. I did.

Cross-examination by Mr. CAMPBELL:

Q. On the 1st of May, 1902, did you live, have your home, your place of residence, your domicile, at 26 Pitts street?—A. I did, sir.

By MR. MORAN:

Q. Come back again before anybody else gets up there. Do you know McTiernan?—A. He worked for me; yes.

Q. What is his reputation for truth and veracity? What do people say about him? Is he truthful or the opposite?—A. Well, he ain't got a very good reputation.

Q. Well, that is, it is bad?—A. He stole my watch and \$21.

Q. How many other larcenies do you know of his committing besides that one?—A. That I know nothing about, except getting some money out of the Belt House on this street.

Q. How long ago was it?—A. About three years ago. He went across the window on a board.

MR. MALLEY. I am going to object upon the ground that this examination is intended for delay.

Q. What else do you know about him that you have heard of him, anything that you have heard about that man?

(Objected to.)

A. I have heard nothing else.

Q. Do you know whether he works anywheres or not?—A. I know he has not worked since he left me.

Q. How long ago was it that he left you?—A. About two months; very nigh two months ago, unless he has been working this last two weeks.

Q. What kind of work did you have him doing?—A. I had him doing hotel work; that is, waiting.

Q. What?—A. I had him doing waiting in the hotel.

Q. Waiting?—A. Yes.

Q. He was waiting down in this place that you run?—A. Yes, sir.

Q. How many larcenies have you known of McTiernan committing or heard of his committing?

MR. MALLEY. I object. It is a matter of record.

A. I have heard of five or six.

Q. So that he has got the reputation of being a common thief?—A. Well, that I can not answer.

Q. Well, he is spoken of by the people who know him about there—they call him a thief?—A. That is the name he goes by.

Q. Now, people who know him also call him a liar, don't they?

(Objected to.)

A. That is, that they can not believe him.

Q. They say that you can not believe him?

(Objected to.)

A. Well, I say so.

Q. You have heard probably 50 or 100 people call him a thief and an untruthful man?—A. I have heard some; yes.

Q. So it has become practically a matter of common talk in the vicinity where he is known that he is a thief and a liar?—A. Yes, sir.

Q. That is, nobody would believe him at all, and nobody would trust him except perhaps Mr. Conry and his lawyer?

(Objected to.)

Q. Nobody would trust him except they, would they?—A. No; not if he is known.

MR. MALLEY. Possibly the Committee on Elections.

MR. MORAN. Oh, no; they would not trust him; not a bit.

Q. Do you know how many wives he has got?—A. I know he has got one.

Q. Have you ever heard of his having more than one wife?—A. No, sir.

Q. Do you know whether he lives with that wife? Have you heard about it?—A. I don't know anything about that; I don't know what he has got; I know she has got my watch check.

Q. Where has she got that?—A. He gave it to her after he hawked it in Lowell.

Q. That is, he stole your watch and then hawked it?—A. Yes.

Q. Put it in pawn?—A. Yes, sir.

Q. And then gave his wife the check?—A. His wife has got the check, so he says.

Q. But he is a liar, and you don't believe him, do you?—A. No; not if he could sell it.

Q. So you don't know whether his wife has got it or not? You are doubtful about it?—A. No.

Q. Do you know where his wife is to be found?—A. It is hard for me to say.

Q. It is hard for anybody to say, isn't it?—A. I think so.

Q. She is a wanderer; she travels about from place to place?—A. Yes; she has got a lot of residences.

Q. And is her reputation the same as that of her husband?

(Objected to.)

A. Not much better.

Q. Do you know whether she, by the money which she earns, contributes to his support?

(Objected to.)

A. I believe she does. She always paid him his room rent.

Mr. MALLEY. I understand this all goes in under a general objection.

Q. Can you give me the names of any of the various places that this man McTiernan's wife has lived at?—A. No, sir.

Q. Do you know that fellow Morse who was on the stand here the other day?—A. No, sir.

Q. Do you know that fellow Morse that was here?—A. No, sir.

Q. Don't know anything about him?—A. No.

Redirect examination by Mr. MALLEY:

Q. You have testified here that a man named McTiernan was a common thief and a common liar, and that his wife used to pay his room rent, and that he had stolen a watch, have you not?—A. Yes; I know that.

Q. When did you first learn all these facts?—A. When he first came to work for me.

Q. You kept him in your employ, didn't you, after learning that?—A. I could not help keeping him, because he got away before I got through.

Q. You have taken no steps since he has been in attendance here to apply for a warrant?—A. I have, and I went to Lowell to get him.

Q. Did you?—A. I did.

Q. Did you go to the court?—A. No; but I got a couple of orders up there; they could not find him; he was just after leaving.

Q. Have you applied for any warrant in the court?—A. No, sir.

Q. Did you consult with Mr. Moran about applying for a warrant?—A. No, sir.

Q. Did you tell Mr. Moran?—A. I didn't know Mr. Moran, never before until I see him now.

(Mr. Malley called Lawrence S. Finnegan, Joseph Floyd, James F. Gorman, George R. Hastings, Michael O'Donnell, Alfred Johnson, John H. Hines, Joseph H. Krouse, Joseph E. Sullivan, and, as they did not respond, offered subpoenas with the officer's return thereon, which were numbered, respectively, "Ex. 52, J. H. B.;" "Ex. 53, J. H. B.;" "Ex. 54, J. H. B.;" "Ex. 55, J. H. B.;" "Ex. 56, J. H. B.;" "Ex. 57, J. H. B.;" "Ex. 58, J. H. B.;" "Ex. 59, J. H. B.;" and "Ex. 60, J. H. B.")

Adjourned to Thursday, March 5, 1903.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 272 pages, is a true and correct record of the testimony and proceedings in the contested-election case of Joseph A. Conry against John A. Keliher, before me on March 2, 3, and 4, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein described.

JOSEPH H. BARNES, JR.,

Special Justice, East Boston District Court.

NOTICE TO TAKE DEPOSITIONS.

FEBRUARY 24, 1903.

TO JOHN A. KELIHER, OR HIS ATTORNEY.

DEAR SIR: You are hereby notified that I intend to take the testimony of the witnesses whose names and addresses are given in the appended list on Friday, the 27th day of February, A. D. 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, jr., esquire, a special justice of the East Boston district court, at the court room of said court on Meridian street in East Boston in said district, and if the taking of said depositions is not concluded on the said date the further taking of such testimony will be continued from day to day at the same hour and place until fully concluded:

Charles R. Saunders, 72 Pinekey street; John Donaher, Patrick J. Cunningham,

Thomas J. Dowd, John W. Dyer, James Friel, John Golden, Michael J. Kenney, Hugh McIntyre, John O'Rourke, Thomas O'Rourke, Denis Tremblay, jr., Thomas J. Vail, 36 Billerica street; Joseph H. Charak, Francis Clark, Fred Clark, Leo Confort, John F. Corcoran, Patrick Croke, Peter B. Dayer, William D. Doris, Walter L. Griffin, James H. Higgins, Frederick T. Lane, Thomas Linge, Thomas Livingston, Joseph J. McFarlane, Robert K. McKirdy, Burton A. McLaughlin, David E. McLaughlin, Frank J. McPeake, Henry McPeake, James F. McPeake, John Merritt, Patrick Minihane, Thomas J. Mulvaney, Robert J. Murphy, Fred W. Patterson, Charles J. Wyzanski, Jeremiah J. Crowley, William J. Hewitt, William John Higgins, Robert W. Houley, Charles F. Lynch, William E. O'Brien, Charles B. Tay, James A. Bragan, 68 Causeway street.

JOSEPH A. CONRY,

By his attorney, F. M. MALLEY.

SUFFOLK, ss:

Boston, February 25, 1903.

By virtue of the within notice, I this day notified the within-named John A. Keliher of the within hearing by delivering to him in hand a duplicate original copy of the within notice. Said service was made at No. 73 Tremont street in said Boston.

JOHN J. CONROY,

Constable of the City of Boston.

SUFFOLK, ss:

Boston, February 25, 1903.

Personally appeared the above-named John J. Conroy, a constable of the city of Boston, and made oath that the above return subscribed to by him to be true.

Before me,

[SEAL.]

JOHN E. CROWLEY,

Notary Public.

FEBRUARY 24, 1903.

JOSEPH H. BARNES, Jr.,

Special Justice of East Boston District Court:

On behalf of Joseph A. Conry, contestant in a contested Congressional election case against John A. Keliher, returned member from the Ninth Massachusetts Congressional district, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court, on Meridian street, in East Boston, within said district—to the following-named witnesses, whose names and addresses are herewith submitted, for examination March 3, 1903, at 1 p. m.

Charles R. Saunders, 72 Pinckney street, Boston; John Donaher, Patrick J. Cunningham, Thomas J. Dowd, John W. Dyer, James Friel, John Golden, Michael J. Kenney, Hugh McIntyre, John O'Rourke, Thomas O'Rourke, Denis Tremblay, jr., Thomas J. Vail, 36 Billerica street; Joseph H. Charak, Francis Clark, Fred Clark, Leo Confort, John F. Corcoran, Patrick Croke, Peter B. Dayer, William D. Doris, Walter L. Griffin, James H. Higgins, Frederick T. Lane, Thomas Linge, Thomas Livingston, Joseph J. McFarlane, Robert K. McKirdy, Burton A. McLaughlin, David E. McLaughlin, Frank J. McPeake, Henry McPeake, James F. McPeake, John Merritt, Patrick Minihane, Thomas J. Mulvaney, Robert J. Murphy, Fred W. Patterson, Charles J. Wyzanski, Jeremiah J. Crowley, William J. Hewitt, William John Higgins, Robert W. Houley, Charles F. Lynch, William E. O'Brien, Charles B. Tay, James A. Bragan, 68 Causeway street.

JOSEPH A. CONRY.

By his attorney, CHARLES F. M. MALLEY.

FIFTH DAY.

EAST BOSTON, Thursday, March 5, 1903.

AGREEMENT OF COUNSEL.

For the purpose of facilitating the hearings in the contested Congressional election case, Conry-Keliher, it is agreed by the parties that Mr. Conry shall appoint the stenographer to take in shorthand the evidence of witnesses presented by him, which shorthand shall be subsequently transcribed in typewritten form, a copy of which

typewritten transcript shall be furnished the officers conducting the hearing as the record; a copy or copies to be furnished to Mr. Conry as requested by him; a copy to be furnished to Mr. Keliher or his attorneys from day to day; Mr. Conry to pay for the stenographer's services and for such copies as are furnished him or his attorneys and for the copy furnished the officers conducting the hearing, Mr. Keliher to pay for the copy which is furnished to him or his attorneys.

When Mr. Keliher begins to present his evidence, Mr. Keliher is to appoint the stenographer and pay for the transcription of the shorthand notes for the officers and the presence of the stenographer and such copies as are furnished to Mr. Keliher or his attorneys; Mr. Keliher's stenographer to furnish to Mr. Conry or his attorneys from day to day a typewritten transcript of the evidence, for which copy Mr. Conry is to pay said stenographer.

No objections are to be made during the conduct of the hearings as to evidence, but each party, without waiving any legal rights, reserves to himself the right to note objections upon the official transcript of the evidence before said official transcript is certified by the officers conducting the hearing.

Each party waives the signatures of witnesses to their respective depositions. This arrangement relates to all hearings heretofore held and to all hearings to be held in the future in this case.

It is not admitted by this agreement that Mr. Conry or his attorneys in any way agree or admit that Mr. Keliher shall have the right to go forward and take testimony in support of any contention or pleadings of his relating to this proceeding, nor by this agreement does Mr. Conry or his attorneys waive any right which Mr. Conry may have or that may have accrued to him, save as said waiver is specially set down in this agreement.

Nor is this agreement to be construed as an admission on the part of Mr. Keliher that the hearings conducted in the past, or to be conducted, are conducted in accordance with law. Nor does Mr. Keliher waive any rights by this agreement, but reserves to himself all rights which he may have or may have had except as herein set forth.

Mr. Keliher's attorneys object to any further proceedings, assigning as a reason that the time limit provided by the statute for taking testimony on behalf of Mr. Conry has expired.

WILLIAM R. EDWARDS, being first duly sworn, testified as follows:

Direct examination by Mr. MALEY:

Q. State your name.—A. William R. Edwards.

Q. Age, residence, and occupation?—A. Thirty-three years old next birthday; residence, 19 Causeway street; occupation, laborer.

Q. Where were you born, Mr. Edwards?—A. Portland, Me.

Q. Where in Portland?—A. Well, I don't know; I was very young when I came to Boston.

Q. How long did you live in Portland?—A. That is something I couldn't tell you; I was only a child when I was brought from Portland.

Q. Did you come from Portland to Boston?—A. So I understand from my folks.

Q. You don't know where you were born in Portland?—A. No, sir.

Q. How long have you been in Boston?—A. Well, off and on, for thirty years.

Q. How old were you when you came to Boston?—A. About two and a half years old, I should judge.

Q. Where did you live then?—A. Roxbury, Boylston Station.

Q. Had you parents?—A. I was only a child; I should think so.

Q. What were the names of your parents?—A. William R. Edwards and Mary A. Edwards.

Q. How long did you live at that place—Boylston Station?—A. I couldn't tell you, sir.

Q. What is your impression; what were you told by your folks?—A. That is beyond my comprehension.

Q. Where is the first place you remember living in Boston?—A. Boylston Station.

Q. What street and number?—A. That is going way back; that is something I don't remember.

Q. How old were you at that time; do you remember that?—A. I don't know.

Q. Where is the next place you remember living in Boston, or anywhere?—A. Jamaica Plain.

Q. What street and number?—A. Boylston street; I don't know the number.

Q. How old were you then?—A. Possibly three or four years old.

Q. Where did you next live?—A. Well, I won't say for a certainty, but I think Blue Hill avenue.

- Q. Where did you live ten years ago?—A. Ten years ago?
- Q. Yes; 1893?—A. I think I lived in the West End, somewhere on Leverett street, if I ain't mistaken.
- Q. Remember what number?—A. 48, I believe.
- Q. Where did you move from 48 Leverett street?—A. To Chambers street.
- Q. What number Chambers street?—A. I don't know then umber; it was in an alleyway.
- Q. When did you move from there?—A. I don't know.
- Q. Do you know whether that time you moved to Chambers street was more than eight years ago or not?—A. No, sir; I don't.
- Q. Where did you live six years ago?—A. I think I lived on Minot street.
- Q. With whom?—A. My wife.
- Q. What number Minot street?—A. I don't know the number.
- Q. Is your wife living?—A. No, sir.
- Q. When did she die?—A. She died in April, 1890, I believe.
- Q. Where?—A. In the hospital.
- Q. In April, 1890, she died?—A. I believe that is the time.
- Q. This is 1903, didn't you understand?—A. Oh, I beg pardon. Let us see—1893; I can't give you positive questions to that, Mr. Malley.
- Q. Don't you know where your wife died?—A. Well, she died in the hospital.
- Q. Were you living with her just previous to her sickness?—A. Yes, sir.
- Q. Can't you tell where she died?—A. I can't tell just the date.
- Q. Was the hospital in Boston?—A. Yes, sir.
- Q. What hospital was it?—A. Long Island; transferred from the city hospital.
- Q. Can you tell whether it was more or less than six years ago?—A. No; I can't.
- Q. Can you tell whether it was more or less than ten years ago?—A. It was less than ten.
- Q. Can you tell whether it was more or less than eight years ago?—A. I have no recollection of that now.
- Q. Have you married since?—A. No, sir.
- Q. Have you had more than one wife?—A. No, sir.
- Q. Did you have any children born of that wife?—A. No, sir.
- Q. Six years ago you were living on what street, did you say?—A. I believe I was living on Minot street.
- Q. Was that the last place you lived with your wife?—A. Yes, sir.
- Q. After she died where did you go to live?—A. Well, I went and done for myself then.
- Q. When you were living with your wife, did you occupy more than one room?—A. Yes, sir; I had three rooms.
- Q. Of whom did you hire the tenement?—A. I don't know his name; he is a Jew, and I can't remember the name.
- Q. You went living for yourself, you say, after that?—A. Yes, sir.
- Q. Where did you go living for yourself?—A. I went home.
- Q. Where was that?—A. Lowell.
- Q. What street and number in Lowell?—A. No. 112 Adams street.
- Q. Living with your father and mother there?—A. Yes, sir.
- Q. Do they live there yet?—A. Yes, sir; not at 112.
- Q. Where do they live now?—A. No 9 Cady street.
- Q. 9 Cady street, Lowell, Mass?—A. Yes, sir.
- Q. How long did you live there with them?—A. Oh, I lived there about three weeks.
- Q. Where did you go next to live?—A. I went to Manchester, N. H.
- Q. Where did you live in Manchester, N. H.?—A. I lived on Main street.
- Q. With whom?—A. In a boarding house.
- Q. Whom did you board with?—A. A woman by the name of Mrs. Gray.
- Q. You remember the number of the boarding house?—A. I do not; no, sir.
- Q. How long did you live there?—A. Lived there about five months.
- Q. Where did you go then?—A. Come to Lowell.
- Q. Now, how many years ago was it that you then came to Lowell?—A. After living in Manchester?
- Q. Yes.—A. About two and a half years, I should judge—two years—three years.
- Q. You lived in Manchester about two years?—A. No, sir.
- Q. More, or less than two years?—A. I lived there about three years ago, I guess.
- Q. You lived in Manchester three years ago?—A. Yes, sir.
- Q. How long had you lived in Manchester at that last time?—A. About six months.
- Q. Two and a half or three years ago you came to live with your parents on what street in Lowell, and number?—A. I lived at 112 Adams street.

Q. Three years ago. Where did you go next to live after you left your folks that time?—A. Came to Boston.

Q. How many years ago was that?—A. Oh, that was after I left Manchester.

Q. When you left Manchester you went to live with your folks at Lowell, didn't you?—A. Yes; for two or three weeks I was with them.

Q. When you left your folks at Lowell, the last time you left your folks was when?—A. Well, the last time I left my folks was last Christmas.

Q. When you came from Manchester and live two or three weeks with your folks, where did you go next to live after that two or three weeks' time?—A. I came to Boston.

Q. Where did you go to live then?—A. 19 Causeway street.

Q. How long ago was that?—A. That was—can't exactly remember that.

Q. Can't you remember back when was the first time you came to live at 19 Causeway street?—A. Can I remember the first time I went to 19 Causeway street?

Q. Yes.—A. No, sir; I can't.

Q. Can you remember how long ago it was you came to live at 19 Causeway street?—A. When I first went there, you mean?

Q. When you first went there.—A. Well, I been there probably three years—three winters anyway, I know that.

Q. Then it was three years ago that you first came there, wasn't it?—A. Possibly.

Q. Was it in 1900 or 1899?—A. Well, I can't say; I won't answer that question.

Q. What season of the year was it you first came to live at Causeway street?—A. In the winter time; the fall of the year.

Q. Who were you working for at the time?—A. I wasn't working at the time I went there.

Q. How long did you live at 19 Causeway street that time?—A. Stayed there the whole winter.

Q. From the fall to the spring?—A. To the first of the season.

Q. What do you call the first of the season?—A. About May.

Q. What time in May, 1st of May?—A. Possibly.

Q. At that time what portion of the premises at 19 Causeway street did you occupy?—A. One bed.

Q. Where?—A. In the sleeping department.

Q. On what floor?—A. Third floor of the house.

Q. Of whom did you hire the bed?—A. Mr. McNally.

Q. That the man who spoke up here as to the absence or presence of witnesses here?—A. No; I don't believe it was.

Q. How much did you pay for the bed?—A. Dollar a week.

Q. What kind of bed was it you occupied?—A. Top bed; two beds there, one over the other; I occupied the top bed.

Q. What you call a bunk?—A. I don't know what you call it.

Q. Commonly called a bunk down there, isn't it?—A. No, sir.

Q. How many other beds, or bunks, were there in the room?—A. Well, I should judge there was—I don't know exactly—I should say about thirty-five.

Q. And you lived in that room from the fall to May of that year?—A. Yes, sir; the same bed.

Q. Did you do any work during that time?—A. Yes, sir.

Q. For whom?—A. Oh, different parties.

Q. Name some of the parties.—A. Mr. Hack.

Q. Where does he live?—A. He runs a bowling alley in Causeway street.

Q. What number.—A. I don't know the number.

Q. How long did you work for him?—A. I worked for him five weeks.

Q. Whom else did you work for in that six months?—A. I done different odd jobs around, teaming and trucking and one thing and another; miscellaneous work.

Q. Know any of the men you did teaming for? Give us the address, if you know.—A. I done work for a man named Brown, and done work for teamsters there.

Q. Brown—where is his stand?—A. Right around the corner of Green.

Q. Is he living?—A. I don't know.

Q. How long altogether did you work for him?—A. Not a great while.

Q. What do you call "not a great while?"—A. Well, how long altogether did I work for him? I would work for him one day, and some other day work for another man.

Q. What other men did you get jobs from?—A. From Hardy and Welch, teamsters.

Q. Where is their stand?—A. Their stand is on the corner of Staniford and Green streets.

Q. How did you work for them?—A. Oh, odd jobs.

Q. That is, a job that takes a day at a time?—A. Yes, sir.

Q. Whom else did you work for during those six months?—A. I worked for quite a number of people; I can't remember the names.

Q. Can you remember any other names now of men for whom you have worked?—A. No.

Q. Where did you live the 1st of May, 1902?—A. Lived at 19 Causeway street.

Q. What portion of the premises did you occupy there?—A. Occupied one bed.

Q. What floor?—A. Third floor.

Q. How many other beds were there in the room at that time?—A. Well, I told you there was about 35.

Q. At this 19 Causeway street each floor contains one great big, square room, does it?—A. Each floor?

Q. Yes.—A. I don't know about the bottom floors, but the third floor is a lodging house.

Q. There is one floor that comprises the lodging house at 19 Causeway street?—A. I believe so.

Q. How long at this period of May 1, 1902, in or about there, that you lived at this place?—A. May 1?

Q. Last May.—A. I believe about the middle of November I got there; I come up from the beach.

Q. The middle of November of 1901?—A. Of last year; that is what you asked me.

Q. Year ago last November?—A. Year ago last November?

Q. Yes.—A. I was there then, too.

Q. How long a continuous period previous to May 1, 1902, had you lived at this place?—A. I can't recollect that.

Q. Do you recollect at what time previous you came to live at this place?—A. Previous to when?

Q. Previous to last May.—A. I think I come there about November.

Q. You came a year ago last November, then?—A. Yes, sir.

Q. To live at this place?—A. Yes, sir.

Q. You came up from the beach?—A. Yes, sir.

Q. What beach?—A. Nantasket.

Q. What were you doing down there?—A. I worked there.

Q. For whom?—A. George Smith.

Q. What business?—A. Porter of a hotel.

Q. What hotel?—A. Smith's Tavern.

Q. How long did you work at Smith's Tavern?—A. I worked six weeks.

Q. That all you worked during that summer?—A. No; I worked for Mrs. Kelley.

Q. Where?—A. Nantasket.

Q. What doing?—A. Porter.

Q. When you came up in November to take up a bed at this place, did you go to work for anybody then?—A. Not right away; no.

Q. Whom did you first work for after November of 1901 while you were sleeping at this place?—A. I worked for Mr. Hack.

Q. What were the names of some of the other men that slept in that room May 1, 1902?—A. Couldn't tell you.

Q. Did you know any of them?—A. No, sir.

Q. Had most of the men that lived there slept there right along every night?—A. Yes, sir.

Q. They were roommates of yours, in a sense?—A. As far as I understand.

Q. You used to see them night after night come in to sleep there?—A. Yes, sir.

Q. You didn't know the names of any one of them?—A. Not personally, no.

Q. You didn't know them in any way except as seeing them there?—A. Perfect strangers to me.

Q. When did you leave there?—A. Ha'n't left there; there yet.

Q. Where were you working, May 1, 1902?—A. I couldn't tell you that.

Q. Were you working?—A. I don't know.

Q. Where were you working in June of 1902?—A. Couldn't tell you.

Q. For whom were you working in July of 1902?—A. Working for myself.

Q. Doing what?—A. Canvassing.

Q. For whom?—A. Myself.

Q. Canvassing for what?—A. Different lines of goods.

Q. What lines of goods?—A. Dry goods.

Q. Well, name some of the lines?—A. Ladies' wrappers.

Q. You were selling ladies' wrappers?—A. Yes, sir.

Q. Did you have an establishment to sell them from?—A. No, sir.

Q. Sell them on the street?—A. No, sir.

Q. Go to the houses to sell them?—A. Yes.

Q. Who did you buy your ladies' wrappers from?—A. Boston Wrapper Company.

Q. Pay cash?—A. Yes, sir.

Q. Did you buy them in the name of William R. Edwards?—A. Yes, sir.

Q. How long did you continue selling ladies' wrappers?—A. About three months.

Q. During July, August, and September you sold ladies' wrappers?—A. Yes.

Q. What district did you sell ladies' wrappers in?—A. Around Roxbury, Jamaica Plain—

Q. Do you know the name of any lady that you ever sold a wrapper to?—A. I don't know now; no.

Q. Where were you assessed in 1902?—A. Assessed, I think it was—it was from 19 Causeway street; I don't know the date; I can't remember.

Q. Did you give your name to anybody to have it assessed?—A. Yes, sir.

Q. You never saw the assessors yourself, personally?—A. No, sir.

Q. To whom did you give your name?—A. I told Mr. McNally if the assessors came around that he could give my name.

Q. What is Mr. McNally's full name?—A. I don't know his full name; his first name is Thomas, I believe.

Q. Is he the proprietor of the place?—A. Yes, sir.

Q. Did you write your name on any paper that you gave him?—A. I did.

Q. Your place of birth and age?—A. No, sir.

Q. Just gave him your name?—A. Yes, sir.

Q. When did you get registered as a voter?—A. For State election; I went away; was down to the beach; was down there about six weeks; I got back just before the city election. I went up and got registered, and voted. I didn't vote at the State election.

Q. What is the name of the last man you worked for, Mr. Edwards?—A. George Smith.

Q. When was that?—A. Last November.

Q. Have you done any work since?—A. Well, I have done odd jobs. I don't know the names of the men that I done them for. If a man hired me for to do a little job, I ain't going to ask the man his name.

Q. How long did you work for George Smith?—A. Six weeks.

Q. Last September?—A. Yes, sir.

Q. Was it during the month of September—the last of September—that you worked for George Smith?—A. I got through last September.

Q. Working for him?—A. Yes, sir.

Q. You worked for him how long into July and August?—A. In August and September.

Q. You work any time in July?—A. No; not for him.

Q. I thought you said you were selling ladies' wrappers in July, August, and September last?—A. I was, the last of September.

Q. Did you say you sold ladies' wrappers three months?—A. Not last year.

Q. What work, other than working for six weeks for George Smith, have you done?—A. I do odd jobs, whatever I can get to do.

Q. You can't name anybody but George Smith that you worked for since last May, can you?—A. Yes; I worked for the United Fruit Company.

Q. How long?—A. One day a week.

Q. Under the name of William R. Edwards?—A. No name; you don't have to give your name there.

Q. Where was your domicile the 1st of May?—A. 19 Causeway street.

Q. What do you understand the word "domicile" to mean?—A. That is beyond my comprehension.

Q. That is a word you don't know about?—A. Domicile, I suppose, is the place where you live, where you sleep, your home.

Mr. MORAN. You have got the right idea of it. Wait just a moment, Mr. Witness.

Cross-examination by Mr. MORAN:

Q. I show you a copy of a list of the registered male voters, Ward 8, precinct 2, for the last State election, Causeway street; now, I ask you with me to run your eyes down the list of the qualified voters, qualified to vote at the State election, and see if your name is there; follow my penknife down.—A. No, sir.

Q. It is not there. Now, I show you a supplementary list of registered male voters, Ward 8, precinct 2, last State election, Causeway street. Run your eye down the list of names as I put my penknife on them and see if your name is there?—A. No, sir.

Q. It is not there. So you didn't do any voting at all at the State election?—A. No, sir.

JOSEPH HARRIS, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Joseph Harris, peddler, and live at 19 Causeway street.

Q. Age?—A. Thirty-four, the 28th of this month.

Q. Where were you born?—A. Boston.

Q. Where in Boston?—A. Corner of Summer and Federal streets.

Q. What is the date of your birth?—A. 28th of March.

Q. May 1, 1902, where did you live?—A. 19 Causeway street.

Q. How long had you lived at 19 Causeway street up to May 1, 1902?—A. About a year and a half before that.

Q. Continuously?—A. Yes, sir.

Q. You have lived at no other place than 19 Causeway street since May 1, 1902?—

A. I lived at the corner of Barton and Leverett.

Q. Since May 1?—A. No, sir.

Q. Nor since the year previous, back from May 1?—A. No, sir.

Q. Where did you sleep?—A. Slept in the large room there.

Q. One large room makes up the lodging house known as 19 Causeway street?—A. Yes, sir.

Q. What is it called among the people that sleep there?—A. Called a lodging house.

Q. Ever called a louse hole?—A. Not that I ever heard of.

Q. When were you assessed?—A. Last September, I believe. September or October, I can't say which.

Q. Do you know the difference between assessing and registration?—A. I guess so.

Q. Well, where were you assessed?—A. Up to city hall.

Q. With whom did you go up to be assessed?—A. Well, I don't remember now. I went up with two parties.

Q. Did you know them?—A. Know them personally to speak to. I couldn't tell you their names.

Q. Did they live at the same place you lived?—A. No, sir.

Q. Do you know where they lived?—A. No, sir; couldn't tell you.

Q. How long had you known the parties that swore you lived at 19 Causeway street?—A. Seen them off and on four or five times.

Q. You don't know their names?—A. No, sir.

Q. Nor where they lived?—A. Couldn't tell you.

Q. Nor where they worked?—A. No, sir.

Q. Did you know whether they were voters or not?—A. I couldn't say for sure whether they were voters or not. I never have seen them vote.

Q. You asked them to go up with you?—A. I was over to the Hendricks Club. I was in the habit of going over there once in a while.

Q. What is the Hendricks Club?—A. I couldn't tell you any more than it is a club.

Q. Political association?—A. Couldn't tell you.

Q. Don't you know whether it is a political association or not?—A. Couldn't tell you.

Q. Democratic headquarters of Ward 8?—A. Couldn't say.

Q. Did you ever talk with any of the Democratic committeemen of Ward 8?—A. I know them by name.

Q. Did you ever see them at the Hendricks Club?—A. Yes, sir.

Q. With them there?—A. Never spoke to any of them.

Q. You were at the Hendricks Club and you thought you would get assessed?—A. No, sir; didn't go up there for that purpose.

Q. When you got up there it occurred to you to go and get assessed?—A. No, sir.

Q. How did you happen to get assessed?—A. I been assessed before. I have to get a license for my business. When I get a permit, I have to be a citizen of Boston.

Q. How did it happen to occur to you that night at the Hendricks Club to go and get assessed?—A. They were all speaking about getting assessed.

Q. They were all speaking about getting assessed?—A. That all appeared in the answer.

Q. You heard them talking about getting assessed?—A. I heard them talking in the club.

Q. You asked two fellows to go up and swear you lived at a certain place?—A. They asked me if I wanted to go up, and said they would go up with me.

Q. Did you know the man's name who asked you to go up?—A. No; couldn't tell you.

Q. Did you ever invite them to 19 Causeway street?—A. No, sir.

Q. Never invited them up to your room?—A. No, sir.

- Q. Ever entertain them anywhere else?—A. No, sir.
 Q. Did they know where you lived?—A. I think they did.
 Q. Did they know?—A. I couldn't tell you.
 Q. You told them?—A. I told them that night.
 Q. That was the only time?—A. That is the only time I ever told them.
 Q. So you have a peddler's license, do you?—A. Yes, sir.
 Q. Do you keep a horse and team to use about your work?—A. I work for another party.
 Q. What is his name?—A. Jeremiah Buckley, No. 12 London street.
 Q. You have lived in Somerville?—A. Yes, sir.
 Q. Where?—A. No. 12 Fitchburg street.
 Q. When?—A. About seven years since I lived there.
 Q. Ever lived in Somerville since seven years ago?—A. Yes, sir.
 Q. When was the last time?—A. Four years ago.
 Q. Where did you live then?—A. 49 Somerville avenue.
 Q. That is the last place you lived in Somerville at any time?—A. Yes, sir.
 Q. With whom did you live there?—A. My mother.
 Q. She living there yet?—A. Yes, sir.
 Q. She is living in Somerville?—A. Yes, sir.
 Q. Where does she live in Somerville?—A. 89 Somerville avenue.
 Q. Are you married?—A. No, sir.
 Q. You have been married?—A. Yes, sir.
 Q. Your wife dead?—A. Yes, sir.
 Q. How long since she died?—A. Dead about seven years, I guess.
 Q. Then you went to live with your mother in Somerville?—A. Yes, sir.
 Q. And continued to live with her until about four years ago?—A. About that.
 Q. Did you ever live at her place at the address that you last gave?—A. No, sir.
 Q. Any other people with her?—A. Yes; I got two brothers.
 Q. They live there?—A. Yes, sir.
 Q. When was the last time that you ever voted in Somerville?—A. I voted in Somerville seven or eight years, I guess.
 Q. Have you been assessed in Somerville within four years?—A. No, sir.
 Q. Or registered?—A. No, sir.
 Q. Where did you vote from before you voted from 19 Causeway street?—A. Somerville was the last place I voted before I voted from 19 Causeway street.
 Q. How long a time elapsed from your last vote in Somerville to your first vote in 19 Causeway street?—A. I should say seven or eight years.
 Q. Where were you in the meantime?—A. Well, been in different places; been in New York.
 Q. Was this your first vote from 19 Causeway street last year?—A. Yes, sir.
 Q. When did you go to get registered?—A. Last September or October.
 Q. At the same time you got assessed?—A. I don't think so; no.

Cross-examination by Mr. MORAN:

- Q. I show you the supplemental list of registered male voters, Ward 8, precinct 2, Causeway street; follow your eye down the list with my penknife and see if your name is there?—A. Yes; it is right there.
 Q. It is Joseph Harris?—A. Yes, sir.
 Q. 19?—A. Yes, sir.
 Q. 19 meaning the number on Causeway street?—A. Yes.
 Q. That was your home at that time?—A. Yes, sir; I have lived there for over two years now.
 Q. You had no other residence—no other living place at all?—A. No, sir.

JOSEPH H. JOHNSON, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

- Q. State your name, age, residence, and occupation.—A. Joseph H. Johnson; 30 years old, July 24 last; born in South Boston; laborer.
 Q. What part of South Boston were you born in?—A. Ninth street.
 Q. What part of Ninth street?—A. I couldn't tell you the number of the street.
 Q. Whom did you live with there?—A. I am stopping at 19 Causeway street now.
 Q. Where is your residence, was my question?—A. 19 Causeway street.
 Q. But you were born in South Boston?—A. Yes, sir.
 Q. How long have you lived at 19 Causeway street?—A. About two years.
 Q. Did you vote from there two years ago?—A. Well, in 1892 I voted from there.
 Q. 1902, you mean?—A. Yes, sir.

Q. That is, the first vote you ever cast from 19 Causeway street was at the last State election?—A. Yes, sir.

Q. November 4, 1902?—A. Yes.

Q. Had you ever been assessed from 19 Causeway street previous to May 1, 1902?—A. No, sir.

Q. Where did you sleep in Causeway street, 19?—A. Slept in this large room.

Q. Have a bed there?—A. Yes, sir.

Q. Have any baggage with you?—A. No, sir.

Q. How long did you say you lived there?—A. About two years off and on.

Q. Never had any baggage there?—A. No, sir.

Q. Except what you have on your person?—A. On my back.

Q. What do you pay for the bed?—A. Fifteen cents—dollar a week.

Q. Fifteen cents a night?—A. Yes; I pay by the week—pay a dollar a week.

Q. Why did you say 15 cents when I asked you, if you were paying by the week?—A. Well, when I first went there I paid by the night.

Q. When were you assessed?—A. Well, in October, I should say.

Q. Last October?—A. No, sir; the 1st of May I was assessed.

Q. Are you sure you were assessed the 1st of May?—A. Yes, sir; I was thinking of getting registered; I got it twisted.

Q. You gave your name to the assessors yourself?—A. No, sir.

Q. Did you ever see the assessors when they came around?—A. No, sir.

Q. Who did you give your name to?—A. Thomas McNally.

Q. Is he the proprietor of that place?—A. Yes, sir.

Q. Did you write your name on paper?—A. Yes, sir.

Q. What else did you write on the paper?—A. My name, that is all.

Q. Give your place of birth?—A. No, sir.

Q. When did you tell McNally your age and place of birth?—A. Didn't tell him.

Q. Never told him?—A. No, sir.

Q. When did you register to vote?—A. The 1st of May.

Q. You registered to vote on May 1?—A. No; I registered in October.

Q. Whom did you go up with to register to vote?—A. I forget the party now; I went up there with another gentleman.

Q. Did you know him at the time?—A. Yes, sir.

Q. Know his name at the time?—A. Yes; I did.

Q. Where did you meet him?—A. Right in Causeway street.

Q. Did you go over to the Hendricks Club before you went up to get registered?—

A. No, sir.

Q. Ever been to the Hendricks Club?—A. Once or twice.

Q. With whom?—A. Myself.

Q. Did you know anybody in the Hendricks Club?—A. No, sir.

Q. How did you get admission?—A. Walked right in myself.

Q. Talk with anybody in the Hendricks Club?—A. No.

Q. How long did you stay?—A. Stayed about half an hour and looked around.

Q. Whom did you meet the second time?—A. Some of the boys from 19 Causeway street.

Q. How many of the boys from 19 Causeway street did you meet in the Hendricks Club?—A. One or two.

Q. What were their names?—A. Couldn't tell you now what their names was.

Q. Did you know their names at the time?—A. I did, sir.

Q. Did they sleep in the room with you?—A. Yes, sir.

Q. Thirty-five men slept in that room all the time?—A. Yes, sir.

Q. How many of them did you know?—A. Know a few of them.

Q. Name the names of those you do know that slept there May 1?—A. Slept there May 1?

Q. Yes.—A. Well, there was John J. Moore and Walter Fay.

Q. Did you know John J. Moore pretty well?—A. Yes, sir.

Q. How long had you known him?—A. I know him from boyhood up.

Q. Where did he live before he came to live in 19 Causeway street?—A. Somerville.

Q. What street and number?—A. I couldn't tell you the number; he lived on Linwood street.

Q. When did he last live on Linwood street in Somerville?—A. Couldn't tell you, sir.

Q. You don't know when he last lived on Linwood street?—A. No, sir.

Q. When was the last time you recollect that he lived on Linwood street?—A. Couldn't tell you that, sir.

Q. Well, about when?—A. Couple of years ago, I should say.

Q. Did you ever know of him living anywhere except Linwood street, in Somerville, and 19 Causeway street, in Boston?—A. No, sir.

Q. So far as you know anything about John J. Moore, he always lived in Somerville except for the two years in 19 Causeway street?—A. Yes, sir.

Q. You and he used to meet there in the Hendricks Club?—A. Never met in the Hendricks Club.

Q. You know Walter Fay pretty well?—A. Yes, sir.

Q. How long have you known him?—A. Boyhood up.

Q. Where did you pass from boyhood up?—A. In Somerville.

Q. Were you born in Somerville?—A. No, sir; South Boston.

Q. At what age did you come to live in Somerville?—A. Five or six years old.

Q. You grew up with Walter Fay and John J. Moore in Somerville?—A. Yes, sir.

Q. Where did Walter Fay live?—A. On Linwood street.

Q. Same as John J. Moore?—A. I don't know, sir.

Q. What number?—A. I don't know.

Q. But lived with father and mother?—A. Yes, sir.

Q. What their names?—A. Couldn't tell you that.

Q. Know the name of the father?—A. Couldn't tell you that.

Q. Any brothers?—A. Yes; one brother.

Q. What is the name?—A. Couldn't tell you.

Q. Any sisters?—A. Yes, sir.

Q. What are their names?—A. Couldn't tell you her first name.

Q. One sister?—A. One sister, as far as I know.

Q. His folks living there yet?—A. No, sir.

Q. Where do they live?—A. Father and mother are dead.

Q. The sister and brother there yet?—A. No, sir.

Q. They living in Somerville yet, as far as you know?—A. I don't know.

Q. Where do John J. Moore's folks live?—A. Somerville.

Q. His folks still living?—A. Father is living.

Q. Where does he live?—A. Somerville avenue.

Q. You know the number?—A. No, sir.

Q. What does John J. Moore do?—A. He is a laborer.

Q. Where did he last work?—A. C. Bowen, safe mover.

Q. He is a Somerville man, isn't he?—A. Yes, sir.

Q. Has he a place of business out in East Cambridge?—A. 12 Chardon street, Boston.

Q. Walter Fay work for C. Bowen too?—A. Does, off and on.

Q. How regularly?—A. I don't know.

Q. Who do you work for?—A. For John F. Manning.

Q. Where?—A. 67 Sudbury street.

Q. He a safe mover, too?—A. Yes; that is my business.

Q. You don't remember who was there in the Hendricks Club that took you up to register?—A. No, sir; I don't.

Cross-examination by Mr. MORAN:

Q. What is your business, sir?—A. Safe and machinery mover.

Q. 19 Causeway street has been your home and residence?—A. For the last two years, off and on.

Q. And that is the only voting place you have got?—A. Yes, sir.

MICHAEL J. KELIHER, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Michael J. Kelliher; 50 years of age; occupation cabinet maker, and residence 19 Causeway street.

Q. Where were you born?—A. City of Lawrence.

Q. What street?—A. Common street.

Q. Where did you live on the 1st of May, 1902?—A. 19 Causeway street.

Q. How long had you lived there?—A. Year the 7th of this month.

Q. Then you had lived there for two months May 1, 1902?—Somewhere around there.

Q. Where before that?—A. In East Cambridge.

Q. Where in East Cambridge?—A. 128 Bridge street.

Q. How long had you lived at 128 Bridge street?—A. I lived there about three years.

Q. Are you living at 19 Causeway street now?—A. Yes, sir.

Q. Have lived there since a year ago last January?—A. Yes, sir.

- Q. Are you a married man?—A. No, sir.
- Q. Have you been a married man?—A. No, sir.
- Q. For whom do you work?—A. I work for several parties; Irving & Casson is one.
- Q. When did you last work for them?—A. Three years ago.
- Q. Now, state somebody that you worked for since you have been at 19 Causeway street?—A. I worked for Mr. Bushee in Revere.
- Q. What is his business?—A. Shipper.
- Q. Shipper of what?—A. I don't know what his shipping business is.
- Q. What do you work at for him?—A. Carpentering business.
- Q. How long have you worked for him?—A. Six months.
- Q. What six months?—A. Six months previous to last May and since last May.
- Q. When did you first go to work for Mr. Bushee?—A. I think a year ago.
- Q. You worked six months for Bushee since a year ago?—A. Yes, sir.
- Q. What street does Bushee live on?—A. 99 Fenno.
- Q. When were you assessed?—A. I think it was in September or October, I wouldn't be positive which.
- Q. Last September or October?—A. Yes, sir; wouldn't be positive about that.
- Q. Ever vote in Boston before?—A. No, sir.
- Q. Ever been assessed in Boston before?—A. No, sir.
- Q. May 1, 1902, were you living at 19 Causeway street, did you say?—A. Yes, sir.
- Q. You didn't give your name to Mr. McNally?—A. I wouldn't be positive about that.
- Q. Don't you know anything about it?—A. No, sir.
- Q. You don't know whether you gave your name to Mr. McNally to be assessed or not?—A. No, sir.
- Q. You don't know whether or not you were assessed last May?—A. No, sir.
- Q. You never saw the assessors yourself?—A. No, sir.
- Q. You have no recollection of giving your name, or age, or any particulars about yourself to McNally?—A. No, sir.
- Q. By "McNally" I mean the proprietor of the house; you know him?—A. Yes, sir.
- Q. In what portion of the premises did you sleep?—A. Second floor.
- Q. You hired one bed?—A. One bed, sir.
- Q. Thirty-four others in the room?—A. I don't know the number.
- Q. A large number?—A. I don't know how many.
- Q. Do you know whether more than one?—A. More than one.
- Q. How many, as you looked at them, were there?—A. I couldn't positively say.
- Q. Were there ten beds?—A. Might have been more than ten; I couldn't say.
- Q. Would you swear that there were more than ten beds?—A. I couldn't say, because when I go there I go to bed.
- Q. Know any of your roommates?—A. Don't know them by name; know some of them by sight.
- Q. Of all the men that you saw that slept there, you couldn't say that any of them you saw previous to May 1, 1902?—A. I wouldn't swear that I saw them previous to that.
- Q. You don't know any of their names?—A. No, sir.
- Q. When you got assessed, where did you get assessed?—A. City hall.
- Q. Who did you go up with?—A. I don't know.
- Q. You went up with two witnesses?—A. Yes, sir.
- Q. Who were they?—A. I know them by sight; I couldn't call them by name.
- Q. How long had you known them?—A. Probably, by sight, for a year.
- Q. How old did they appear to you to be?—A. Probably about thirty-five; somewhere around there; I wouldn't be positive about their age; I should judge between 30 or 35 years of age.
- Q. Did you ever invite them up to 19 Causeway street to spend any time with you there?—A. No, sir.
- Q. They never did spend any time with you there?—A. No, sir.
- Q. Did they know McNally?—A. Not as I know of.
- Q. Where did you meet them when you went up to get assessed?—A. On Causeway street.
- Q. What reason occurred to you to have yourself assessed as a voter?—A. I was notified to be assessed.
- Q. Who notified you?—A. That I don't know; I received notification to be assessed.
- Q. Whom did you receive the notice from?—A. Mr. McNally, I believe.
- Q. Was it on a piece of paper?—A. It was regular assessor's paper, I think; I wouldn't be positive.
- Q. What names were signed to the paper?—A. I don't know that.

- Q. What did you do with the paper?—A. I read the paper.
- Q. You received a piece of paper notifying you to go and be assessed?—A. Yes, sir.
- Q. When was that?—A. I couldn't tell.
- Q. You went out on the street?—A. Yes.
- Q. You saw two men?—A. Yes, sir.
- Q. Whose names you don't know?—A. I knew them by sight, and they knew me.
- Q. Whose names you didn't know?—A. Didn't know their names.
- Q. But they knew you by sight?—A. Yes, sir.
- Q. You went with them up to the assessor's?—A. Yes, sir.
- Q. What did you swear to?—A. That I lived at 19 Causeway street the 1st of May.
- Q. Did the others swear you lived there, too?—A. Yes; they knew that I lived there.
- Q. You used to go there at night and come away in the morning?—A. Yes, sir.
- Q. You never knew any of the people that slept there?—A. No.
- Q. Did these two men know any of the people that slept there?—A. I don't know.
- Q. When did you get registered?—A. I think somewhere in October.
- Q. Where did you go to get registered?—A. Where?
- Q. Do you know the difference between the old court-house and the city hall?—A. Yes, I do; I went from the city hall to the old court-house.
- Q. You went from the city hall to the old court-house?—A. Yes, sir.
- Q. Did you vote at the State election?—A. Yes.
- Q. What precinct did you vote from?—A. Precinct 2.
- Q. Where did you vote?—A. Ward Eight.
- Q. Where was the polling booth located?—A. Corner of Staniford and Lyman streets.
- Q. For whom are you working now?—A. Mr. Bushee.
- Q. At Revere?—A. Yes, sir.
- Q. Carpentering?—A. Yes, sir.
- Q. Anybody else working down there for him carpentering?—A. No, sir; I am all alone.
- Q. When did you last work for him?—A. The last work for him I done was two weeks ago.
- Q. What did you do then?—A. Built up a shed for him.
- Q. How long did it take you to do that?—A. About three days.
- Q. What did you do previous to that?—A. Done some more carpenter work.
- Q. What did you do then?—A. Built up a hen house.
- Q. How long ago was that?—A. Month ago.
- Q. What did you do then?—A. Chores; sawed wood.
- Q. When did you last see these two men that went up with you to get assessed?—A. I haven't seen them since they were up as witnesses with me.
- Q. When had you seen them previous to that?—A. I couldn't tell; seen them several times.
- Q. Haven't seen them since?—A. No, sir.
- Q. The last you saw of them was when they swore that you lived at 19 Causeway street?—A. Yes, sir.

Cross-examination by Mr. MORAN:

- Q. You didn't take any of your meals at 19 Causeway street?—A. No, sir.
- Q. Merely had a bed there in which you slept?—A. Yes, sir.
- Q. So your habit was to go there and go to bed, and after you had your sleep, get up and go off?—A. Yes, sir.
- Q. You paid no attention to any other person occupying these beds in this large room?—A. No, sir.
- Q. You say this room was filled with beds, but you didn't take any notice of the number?—A. No, sir.
- Q. January 7, 1902, when you went to Causeway street, until the present time, that has been your home, your residence?—A. Yes.
- Q. And the only home and residence you have got?—A. Yes, sir.

JOHN J. MOORE, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

- Q. State your name, residence, age, and occupation.—A. John J. Moore, 19 Causeway street; laborer.
- Q. What is your age?—A. Thirty-three.
- Q. Where were you born?—A. Boston, Charlestown district, Joiner street; I don't know exactly the number.

Q. Did you live in Somerville?—A. Yes, sir.

Q. You were brought up in Somerville, weren't you?—A. I was brought up in Somerville.

Q. Lived there how long?—A. Lived there for eighteen or twenty years; I think more than that.

Q. For whom did you work there the last time in Somerville?—A. Didn't work for anybody in Somerville. I worked for Bowen; of course, he lives there in Somerville.

Q. You lived with your father and mother in Somerville?—A. Yes, sir.

Q. They alive now?—A. Well, mother is dead, but father is alive.

Q. Where does he live?—A. Lives on Somerville avenue.

Q. Any brothers and sisters live with him?—A. No.

Q. He lives alone there?—A. No; he is married again.

Q. When did you last live in Somerville?—A. Somerville? It is two years last April.

Q. Where did you go to live then?—A. The first place I came to was McNally's, 19 Causeway street.

Q. When did you come there?—A. I came there a year ago last June.

Q. When was the first time you got assessed from 19 Causeway street?—A. The first time this last year—this last election?

Q. When was it?—A. Well, I got assessed either, I think, the 3d or 4th or 5th of May.

Q. Were you there and gave your name to the assessors?—A. No, sir; I did not. My name was on the books and he gave it to the assessors.

Q. Did you give your name to Mr. McNally?—A. My name, I told him, he could put in.

Q. Did you write your name?—A. I didn't write nothing; I told him I was there.

Q. When did you get registered?—A. Last October, just a few days before the election.

Q. Who went up with you to get registered?—A. He did himself.

Q. That the proprietor, McNally?—A. Yes, sir.

Q. You occupied one of those 35 beds?—A. Yes, sir.

Q. Who else occupied it with you?—A. Nobody else occupied the bed with me.

Q. Who else was there?—A. I don't know.

Q. How many?—A. Usually 35.

Q. You know them?—A. I know a few of them.

Q. Name some you know.—A. I know this Walter Fay, for one.

Q. Well, he was brought up from boyhood with you?—A. Yes, sir. I know a Joe Johnson; I know Joe Harris; I know another man, Frankie Day—yes, Michael Kelley. Well, there is quite a number of them, but I can't bring them to my memory.

Q. The most of those 35 men slept there every night for the last year?—A. Some of them is dead that had beds right along constantly, year in and year out.

Q. Did you say you saw them up there every night?—A. Some of them I saw; more of them I wouldn't. Sometimes I was working and wouldn't get a chance.

Q. All you know is Walter Fay, who was brought up with you from boyhood?—A. Yes, sir.

Q. Joe Johnson, what does he do?—A. He works same as I, safe moving.

Q. Joe Harris?—A. He is a peddler.

Q. Was he brought up with you from boyhood?—A. He is a little bit older than I am; of course he was brought up with me there.

Q. Where?—A. In Somerville.

Q. Now, Johnson and Harris you knew because they lived in Somerville?—A. Yes; well, there was others, but I don't remember their names.

Q. When was the last time you remember of Joe Harris living in Somerville?—A. That I couldn't tell you; I don't remember Joe Harris living in Somerville only a short while after his wife died; that is seven or eight years ago.

Q. Frankie Day, he lived in Somerville?—A. Yes, sir.

Q. You remember him?—A. Yes; his wife died there too.

Q. When did he last live in Somerville to your knowledge?—A. That I couldn't positively swear.

Q. About when?—A. Well, he may have lived there two or three years ago.

Q. Michael Kelley, when did he last live in Somerville?—A. Michael Kelley didn't live in Somerville for the last four or five years.

Q. He lived there four or five years ago, did he?—A. Yes, sir.

Cross-examination by Mr. MORAN:

Q. You took no meals at this lodging house?—A. No, sir; never took nothing at all there except to go there to sleep.

Q. You had one bed there?—A. Yes, sir.

Q. You went in when you wanted to go to sleep, and got up in the morning and went out, I suppose?—A. Yes, sir.

Q. And from the day you moved to 19 Causeway street until the present time that has been your only home and residence?—A. Yes, sir.

Redirect by Mr. MALLEY:

Q. You have no baggage in this room other than what you wore?—A. No, except underwear; I did at one time have some clothes; I got clothes there yet; I have got outside clothing—got a suit there, but I came right direct from my work here to-day.

DANIEL MULCARE, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. You state your name, residence, age, and legal occupation.—A. Yes, sir.

Q. Have you been sworn?—A. Yes, sir.

Q. What is your name?—A. Daniel Mulcare.

Q. What is your age?—A. Twenty-five.

Q. Where do you live?—A. No. 19 Causeway street.

Q. What is your occupation?—A. Rigger's helper.

Q. Who do you work for?—A. Any man that hires me, any time they got a job to do.

Q. Any person in particular?—A. No person in particular.

Q. When did you work last?—A. Thurs-day, last.

Q. Who did you work for?—A. Morris & Irland Safe Company.

Q. How long?—A. Eight hours.

Q. Where did you live last May, 1902?—A. 19 Causeway street.

Q. Where did you live previous to that?—A. Somerville.

Q. Where did you last live in Somerville?—A. 109 Somerville avenue, with my wife.

Q. Is that where your wife lives now?—A. No; at 26 Maple street, Somerville.

Q. Have you had any children?—A. Yes, sir.

Q. How many?—A. One.

Q. The child live with her?—A. Yes, sir.

Q. I don't wish to go into it too much, but you don't live with your wife; are you in friendly relations with your wife?—A. Yes, sir.

Q. When was the child born?—A. November, last.

Q. Where was the child born?—A. In Boston.

Q. What street and number?—A. That is something I decline to answer.

Q. Wasn't it 19 Causeway street?—A. No, sir.

Q. Was it in Ward 8?—A. Yes, sir.

Q. Why did you take up your abode a year ago last January, January of 1901, at 19 Causeway street, and leave your wife living in Somerville?—A. Under the conditions—her father and mother and I couldn't agree, and I thought it better for me to leave that county and get out into another county.

Q. What is the name of your father-in-law?—A. John McNeil.

Q. Where does he live?—A. 26 Maple street, Somerville.

Q. You occupy one of the beds in this room, do you?—A. Yes, sir.

Q. Occupied it for a year and a half?—A. Yes, sir; up to the present time.

Q. Did you occupy the same bed all the time?—A. The same bed all the time.

Q. Each man who stayed there any length of time occupied the same bed?—A. As far as I saw; sometimes I might be at work and didn't get in until 1 or 2 o'clock, so I wouldn't see them.

Q. How much do you pay?—A. At the rate of 15 cents per night.

Q. You hire it by the night?—A. Yes, sir; paid a dollar by the week when I had the dollar; when work was slack, I didn't.

Q. When did you last live with your wife?—A. Year ago January last; year and a half previous to this January past.

Q. Eighteen months since you have lived with your wife?—A. No, it isn't eighteen—seventeen or eighteen.

Q. From the time you came to Causeway street?—A. From the time I left Somerville.

Q. You haven't lived with your wife in seventeen or eighteen months?—A. Yes, sir, I have lived with my wife in fifteen months.

Q. In fifteen months you have not lived with your wife?—A. No, sir.

Q. Nor had any friendly relations with her?—A. Yes, sir.

Q. You go over to see her frequently?—A. Yes, sir.

Q. How frequently?—A. Not to her home where her folks live; she comes to Boston and I see her here.

Q. When did you get assessed?—A. The 1st of May.

Q. Last May?—A. Yes, sir.

Q. Had you ever voted in Boston previous to that?—A. No, sir.

Q. Ever vote in Somerville?—A. No, sir.

Q. You were born in Somerville?—A. No, sir, East Cambridge.

Q. Ever vote there?—A. No, sir; wasn't of age.

Q. Where were you born?—A. Second street, corner of Gore.

Q. Of the men who stopped at 19 Causeway street, do you remember the names of some who stopped there in April and May?—A. No, sir.

Q. Didn't know anybody?—A. I knew one.

Q. Who?—A. John Laughton; he isn't there now.

Q. Did he stop there in May?—A. No, sir; wasn't stopping there at all—the date I got reference to; he was a friend of mine.

Q. He stayed there then?—A. No, came up to drop in while I went to pay for my lodging, and go to the theater with me.

Q. You don't know the names of the men that lived there at all?—A. Yes; I know the names of seven or eight of them; that is, I don't know the whole of them.

Q. Let us hear the names of the seven or eight?—A. I know a man; his name is Joe Johnson.

Q. Yes.—A. A fellow named John Moore; a fellow named Walter Fay; one of the others, I believe he is dead now, James Colton, a friend of mine, and Mr. Dyer; that is as far as I know.

Q. That is all?—A. Yes, sir.

Q. Walter Fay and Joe Johnson you saw testify here to-day before you got on the stand?—A. Certainly I did.

Q. You heard them testify that they lived there at the time?—A. Yes, sir.

Q. Those were boys that lived in Somerville?—A. I don't know anything about where they did live until I got acquainted with them—yes, they did live there.

Q. Did they know you?—A. Not until they got acquainted with me down in this house; they didn't know me in Somerville.

Q. Did you know their names before you heard them testify here to-day?—A. Yes, sir.

Q. When did you get assessed?—A. The 1st day of May.

Q. Assessed in the evening?—A. No, sir; I wasn't assessed in the evening; I gave the privilege to Mr. McNally to assess me.

Q. You gave the privilege to Mr. McNally?—A. Yes, sir, because I stayed there.

Q. When did you get registered?—A. In October.

Q. Where?—A. In the old court-house.

Q. With whom did you go to get registered?—A. A gentleman by the name of John Sullivan.

Q. Where is he?—A. He is in Baden, Mo.

Q. When did he go to Baden, Mo.?—A. He went to Baden in July last, working at the riprap works, I understand, from a letter that he wrote me.

Q. Did you ever go to the Hendricks Club?—A. No, sir.

Q. You know where it is?—A. Yes, sir.

Q. Never heard of it?—A. I read of it in the papers, yes, sir.

Q. That is all you know about it?—A. That is all I know about it.

Q. Did you vote at the State election?—A. Yes.

Cross-examination by Mr. MORAN:

Q. When you separated from your wife and came over to Boston you intended to leave that home of yours never to go back to it—the Somerville home?—A. Never to go back.

Q. You made up your mind to establish a residence and home somewhere else?—A. In Boston.

Q. You did establish it?—A. In Boston.

Q. You did establish it at 19 Causeway street?—A. Yes, sir.

Q. That has been your only home since you went there on the date you have testified to a year ago January?—A. Yes, sir.

WALTER J. FAY, being first duly sworn, testified as follows:

Direct examination by Mr. HARRINGTON:

Q. What is your name?—A. Walter J. Fay.

Q. Place and date of birth?—A. Walter J. Fay, 19 Causeway street, my residence.

Q. If you will listen to me you will know the questions and understand. What is your name, place, and date of birth?—A. Walter J. Fay.

- Q. Where were you born?—A. Somerville, Mass.
- Q. What year?—A. 1839.
- Q. Month and day?—A. December 15.
- Q. That would make you how old now?—A. Thirty-three the 15th of last December.
- Q. What is your present residence and work?—A. Present residence is 19 Causeway street.
- Q. What work?—A. Work at anything I can get.
- Q. Are you employed now?—A. I was this morning.
- Q. Where did you live the 1st of May, 1902?—A. 19 Causeway street.
- Q. What was your work at that time, if any?—A. Well, jobbing.
- Q. Were you steadily employed?—A. No, sir.
- Q. How long have you lived at 19 Causeway street?—A. Off and on for over two years and a half.
- Q. How long prior and how long since May 1, 1902, have you been living at 19 Causeway street?—A. Prior to May 1 I went there the 19th of April.
- Q. What year?—A. 1902. Then I was there off and on except six weeks.
- Q. How long after April 15, 1902, did you remain at 19 Causeway street?—A. Right along with that exception.
- Q. Never mind the exception, tell me how long after April 15, 1902, you lived at 19 Causeway street?—A. Until the 11th of January.
- Q. Of this year?—A. No; one moment—that was the year previous.
- Q. You went to live at 19 Causeway street on April 15, 1902?—A. Yes, sir.
- Q. How long did you stay there?—A. Stayed there until between the November election and December election.
- Q. That 1902?—A. Yes, sir.
- Q. Did you sleep at 19 Causeway street every night from April 15 until the last time you left there?—A. Well, I left there this morning.
- Q. Did you sleep there last night?—A. Yes, sir.
- Q. Have you slept there every night back to April 15, 1902?—A. No, sir; I have been away some.
- Q. Where were you those nights?—A. 84 Portland street.
- Q. How long were you there?—A. About six weeks.
- Q. What six weeks?—A. Between the November election and the December election.
- Q. Where did you live before you came to 19 Causeway street?—A. 84 Portland street.
- Q. How long did you live there?—A. I lived there for probably three years.
- Q. Where did you live prior to that?—A. 84 Portland street.
- Q. Where did you prior to that?—A. 2 Beverly street.
- Q. Boston?—A. Yes, sir.
- Q. Prior to that, where did you live?—A. Somerville.
- Q. How long did you live in Somerville?—A. Little over twenty-two years.
- Q. When were you first assessed in Boston, what year?—A. I don't know.
- Q. When were you first assessed from 19 Causeway street?—A. Well, I got transferred.
- Q. From where?—A. Ward 6, 84 Portland street.
- Q. When were you first assessed at 84 Portland street—what year?—A. I don't know.
- Q. How do you know that you were transferred on the assessors' list from 84 Portland street, Ward 6, to 19 Causeway street, Ward 8?—A. Because I went there personally.
- Q. Where?—A. To the old court-house.
- Q. You went to the old court-house?—A. Yes, sir.
- A. What took place there?—A. I had to take the oath to get transferred.
- Q. Do you know the difference between assessing and registration?—A. Yes, sir.
- Q. Well, what is the difference?—A. Well, when you are registered your name is put down on the register's books.
- Q. What did you do to be registered?—A. Well, I have to take an oath.
- Q. What else do you do?—A. I have to have a witness to swear—
- Q. Do you know when you were first assessed in Boston?—A. No, sir.
- Q. Do you know when you were first assessed from 19 Causeway street?—A. Yes, sir.
- Q. When?—A. I wasn't assessed; that is, I tell you I got transferred.
- Q. Now, you notice the question: When were you first assessed from 19 Causeway street?—A. Last October.
- Q. When did you first get a bill of the tax as having been assessed from 19 Causeway street?—A. October 1.
- Q. October 1?—A. Yes, sir.

Q. How do you know that you were assessed from 19 Causeway?—A. I have my poll tax on my person at the present time.

Q. Did you take part in the assessing?—A. No.

Q. Can you account for your being assessed from 19 Causeway street when you took no part in it?—A. I did take part in it.

Q. What part did you take?—A. I went and got transferred—I don't know exactly as I do understand what you mean by registration and assessment.

Q. What part did you take in your first assessment from 19 Causeway street?—A. I went up to the old court-house and got transferred from Ward 6 to Ward 8, from 84 Portland street to 19 Causeway street.

Q. Who went with you at that time?—A. Nobody.

Q. You went alone?—A. Yes, sir.

Q. When were you first registered as a voter in the city of Boston?—A. About nine years ago, I think.

Q. When?—A. About nine years ago.

Q. Yes.—A. I should surmise that.

Q. What year, do you know?—A. No, sir; I know it was just before Bryan went for President the first time.

Q. Have you ever gone through a registration since that time?—A. No, sir.

Q. Never?—A. No, sir.

Q. How tall were you at that time?—A. I don't know.

Q. What height did you give to the registrar?—A. Five feet eleven and three-quarters.

Q. What weight?—A. 156 pounds.

Q. Where were you then living?—A. 2 Beverly street.

Q. What part of 2 Beverly street did you occupy—what part of the house?—A. Occupied a bed.

Q. What portion of the house was that bed in?—A. That bed was on the third floor.

Q. What part of the third floor, front or back?—A. Well, betwixt and between; it was hardly halfway toward the back and halfway toward the front.

Q. Did you room and board?—A. No, sir; it was a dormitory.

Q. Dormitory?—A. Yes, sir.

Q. What were you doing on November 4, 1902?—A. November 4?

Q. Yes.—A. I don't know.

Q. Do you remember where you were November 4, 1902?—A. Yes, sir.

Q. Where?—A. You mean where I stopped?

Q. No; what part of the city, west end or north end?—A. West end.

Q. What part of the west end?—A. Sudbury street.

Q. Sudbury?—A. Yes, sir.

Q. Did you vote on that day?—A. Yes, sir.

Q. Were you at the Hendricks Club that day?—A. No, sir.

Q. You know where it is?—A. No, sir.

Q. You never have been in there?—A. No, sir.

Q. You ever had any dealings with any person connected with the Hendricks Club?—A. No, sir.

Q. Have you had any connection with anybody interested in the election for the Ninth Congressional district on November 4, 1902?—A. No, sir.

Cross-examination by Mr. MORAN:

Q. On the 1st day of May, 1902, your home, residence, and domicile was at 19 Causeway street?—A. Yes, sir.

Q. That was the only home and residence you had?—A. Yes, sir.

Redirect by Mr. HARRINGTON:

Q. You are Walter Fay?—A. Yes, sir.

ANDREW LINNEHAN, being first duly sworn, testified as follows:

Direct examination by Mr. HARRINGTON:

Q. What is your name?—A. Andrew Linnehan.

Q. When were you born?—A. 1850.

Q. Where were you born?—A. New Hampshire.

Q. That leaves you how old?—A. Be 53 years old the 5th of next September.

Q. What is your residence and occupation?—A. I am stopping at 19 Causeway street. I have been watchman; do the work there.

Q. At 19 Causeway street?—A. Yes, sir.

Q. How long have you been living at 19 Causeway street?—A. I have been there some over two years.

Q. Were you living there the 1st of May, 1902?—A. Yes, sir.

Q. What was your occupation May the 1st, 1902?—A. Worked for him at the time as watchman.

Q. You have been continually living there from May 1, 1902, to the present time?—A. Yes, and before that.

Q. You have been there all the time?—A. Not every night; in 1892 I was out of there about six weeks; along in January we got out from there suddenly one night.

Q. What was the cause of your sudden departure?—A. Happened to be a fire there; didn't get back for about six weeks.

Q. 1902, do you mean?—A. Yes, sir.

Q. What part of the premises did you occupy?—A. Well, I am in what they call 39 bed, near the door—bed I have always had.

Q. You are in that room where there are 39 beds?—A. Forty beds; beds run in numbers.

Q. Oh, yes; you have the beds numbered?—A. Yes.

Q. How many people occupy the beds in that room?—A. Forty.

Q. Since the 1st of May, 1902, how many people have nightly occupied beds in that room?—A. Well, I should say there were 40.

Q. Do you know the occupants, the people that have occupied those beds since May 1?—A. I know some of them; I couldn't know all of them.

Q. How many of them have continuously occupied those beds since May 1, 1902?—A. There is quite a number.

Q. How many?—A. I couldn't say.

Q. Did you vote on November the 4th, 1902?—A. Yes, sir.

Q. At the State election?—A. Yes, sir.

Cross-examination by Mr. MORAN:

Q. Since the time you have testified that you have lived at that house, 19 Causeway street, that has been your home and residence?—A. Yes, sir.

Q. And your only home and residence?—A. Yes, sir.

Q. Now, this room which contains these 40 beds is about how large?—A. Well, I couldn't tell you exactly the size of the room.

Q. Give me some idea in figures so as the stenographer will get it.—A. Well, I should say it was about 40 feet.

Q. Forty feet long?—A. Yes, sir.

Q. How wide?—A. Must be about 30 feet wide; maybe 34 wide.

Q. One large room?—A. One large room; yes.

Q. These beds are arranged so that one is above the other one?—A. One above the other one.

Q. Are they up against the wall?—A. No, sir; there are some against the wall; there is so many aisles through; there is two in the center and two against the wall.

Q. That is, they are arranged in rows from one end of the room to the other?—A. Yes, sir.

Q. There are two aisles running from one end to the other—you know whether more than two?—A. No, sir, there is two.

Q. Two aisles?—A. Yes, sir.

Q. Then on the wall side of the room there is a row of single beds; then there is a row of single beds above that?—A. Yes, sir.

Q. So that we might call them "lower berth" and "upper berth"?—A. Yes, sir.

Q. A bed for each person?—A. Yes, sir.

Q. Each of those beds or berths is numbered?—A. Yes, sir.

Q. Between one aisle called No. 1 aisle, and No. 2, how many beds are there?—A. What do you mean, between the two aisles?

Q. Suppose you stood here in this aisle and I stood here in this one (illustrating), what is there between us?—A. I have another way: Suppose we take the aisle down here—

Q. I want it so the stenographer will have it so when somebody reads it he will understand it: Suppose you stand in one aisle and look across to the other aisle, what is between you and where you look to?—A. One bed.

Q. Is there above that one another one?—A. Yes, sir.

Q. Now you occupied what numbered bed?—A. 39.

Q. Now you keep your voice up.—A. I will keep it as high as I can, but I am hoarse; I will speak as loud as I can.

Q. The reporters can't hear, and both sides like to accommodate the public as much as they can? Yours was 39?—A. No, 39, yes, sir.

Q. And have those beds been substantially occupied during the entire time that you have been employed there?—A. Very near.

Q. Occasionally one of them wouldn't be occupied?—A. Oh, there might be an odd time.

Q. There was no place in that room where the men could loaf, was there?—A. No, sir; not in that room.

Q. They were not allowed to loaf in that room?—A. Not in that room.

Q. So that all the men were allowed to do in that room was to go each man into his own bed and sleep and get up in the morning and go out of the room again?—A. Yes, sir.

Q. Was there provided any place in the house where they could spend their time?—A. Yes.

Q. I suppose most of them spent their time outdoor?—A. No, sir; they do not.

Q. Some of them spend their time in the house?—A. There is quite a large room there that they can go in.

Q. On what floor?—A. On the third floor.

Q. Is this sleeping room on the third floor?—A. It is.

Q. Is there any other room on the third floor?—A. Yes, sir.

Q. How many rooms are there on the third floor?—A. Two.

Q. Just two?—A. Yes, sir.

Q. So then there is a room adjoining the sleeping room where the men may spend their time if they wish?—A. Yes, sir; they do.

Q. Where do you spend your time?—A. Sometimes there; sometimes out on the street.

Q. Some of those men who occupy those beds sleep some at night and some during the day?—A. Very few during the day.

Q. Very few during the day—the majority of them are men who are employed at some kind of business?—A. They are.

Q. They are by reputation respectable men, although poor?—A. They call them so.

Q. Respectable, but poor men?—A. Yes, sir.

Q. And who is the proprietor of that lodging house?—A. Mr. McNally.

Q. It is licensed, isn't it, by the police board of the city of Boston?—A. Yes, sir, it is.

Q. How long has it been a licensed lodging house?—A. Ever since it was opened.

Q. That is for several years?—A. Yes, sir.

Q. Do the police officers occasionally, for the purpose of investigation, come into the house?—A. The police officers hardly ever have been in there; the board of health do come.

Q. Do they come in to see if the bunks are proper?—A. The police officers have nothing to do with that.

Q. Do they come in?—A. They come in, but there is a board of health that comes in; it is their business.

Q. Police officers have been in and looked over the premises, and gone off again?—A. Yes, sir.

Q. Now, have officers connected with the board of health of the city of Boston inspected the premises?—A. Yes, sir.

Q. And that inspection has continued from the time the license was issued up to the present time?—A. Yes; I should say so.

Q. How often do the board of health officers inspect it?—A. I couldn't say.

Q. How frequently did they come there?—A. I should say once in two or three months, and maybe oftener.

Q. Maybe oftener?—A. Yes; I wouldn't say as to that.

Q. By whom was the number of berths, or beds, determined, by the board of health or their officers?—A. You mean in the house?

Q. Yes?—A. Well, I think it was by the board of health.

Q. So the board of health authorize this number of beds to be put there?—A. Yes, sir.

Q. They do not allow a larger number than they think is proper?—A. No, sir.

Q. The place has been carried on in accordance with the rules of the board of health and in compliance with law?—A. Yes, sir.

Q. And been open to the inspection of police officers as well as the board of health officers?—A. Yes.

Q. So that the place has been a respectable place?—A. Yes, sir.

Q. Occupied by respectable men?—A. I consider them so.

Redirect by Mr. HARRINGTON:

Q. How long do they hire rooms for there?—A. They hire them by the night or by the week.

Q. How many of them are there that hire by the week?—A. I couldn't say just how many; maybe half a dozen; maybe a dozen.

Q. When did you first register as a voter in the city of Boston?—A. I can tell you when I was registered; I can't tell you exactly the time, but it was there in October, some part of October, 1891.

Q. 1901?—A. 1901; yes, sir.

Q. What was your height at that time?—A. I think 5 foot 8.

Q. What was your weight?—A. One hundred and forty.

Q. What part of 19 Causeway street did you at that time occupy?—A. I was with Mr. McNally.

Q. What portion of the house did you occupy?—A. On the third floor.

Q. Do they keep books there?—A. Yes, sir.

Q. Books that the guests of the place sign their names to every night?—A. Yes, sir.

THOMAS MANNING, being first duly sworn, testified as follows:

Direct examination by Mr. HARRINGTON:

Q. You been sworn?—A. Yes, sir.

Q. What is your name?—A. My name is Thomas Manning.

Q. Age and place of birth?—A. Brattleboro, Vt.

Q. What is your age?—A. Fifty-four.

Q. When were you born?—A. 1849.

Q. Where is your present place of residence, and what is your present occupation?—A. 19 Causeway street; I am a peddler.

Q. How long have you lived at 19 Causeway street?—A. Well, I registered there in 1902.

Q. How long have you lived at 19 Causeway street?—A. Well, it will be three years next August.

Q. Were you living there May 1, 1902?—A. Yes, sir.

Q. What part of the premises did you occupy?—A. No. 16; not the whole business.

Q. No. 16 bed?—A. No. 16 bed.

Q. Have you constantly occupied No. 16 bed?—A. Well, I was generally in it unless I was out of town for a little while.

Q. When were you last out of town?—A. Well, not for three or four weeks.

Q. How long were you out of town at that time?—A. Couple of days at a time I go out.

Q. When were you first assessed from 19 Causeway street?—A. Well, in 1902.

Q. The first time?—A. The 1st of May.

Q. Where were you assessed?—A. At Causeway street, 19, sir.

Q. Did you give your name?—A. I did.

Q. To whom?—A. I wrote my name right on the books.

Q. To whom did you give your name?—A. I give my name to nobody; left my name on the books.

Q. You gave your name to Mr. McNally?—A. I did, to Mr. McNally.

Q. How tall are you?—A. Five foot six.

Q. How much do you weigh?—A. Weigh 156.

Q. Did you vote at the State election November 4, 1902?—A. Yes, I did.

Cross-examination by Mr. MORAN:

Q. Mr. Manning, from the time that you moved to 19 Causeway street until the present time that has been your home and your residence?—A. It has.

Q. It is the only home and residence you have?—A. The only home and residence at the present time.

MICHAEL McCARTY, being first duly sworn, testified as follows:

Direct examination by Mr. HARRINGTON:

Q. What is your full name?—A. Full name is Michael McCarty.

Q. Place and date of birth?—A. Date of birth is Ireland.

Q. Where were you born?—A. Ireland.

Q. When?—A. Well, a good many years ago. I came here when I was about 13 years old, my friend.

Q. What is the date of your birth?—A. I don't remember; I was a—

Q. Were you there then?—A. I must have been there, of course.

Q. How long have you been in America?—A. Well, since I was 13 years old, I told you.

Q. When and where were you naturalized?—A. In the United States.

Q. When?—A. In Boston.

Q. When, what year?—A. I think it was 1884 or 1885, if I ain't mistaken.

Q. Any chance of your being mistaken?—A. I don't think so.

Q. Where do you now live?—A. 19 Causeway street.

Q. What is your present occupation?—A. Night clerk.

Q. How long have you lived at 19 Causeway street?—A. Oh, three years, or four.

Q. You lived there May 1, 1902?—A. I guess so.

Q. Where are you a night clerk?—A. Lodging house.

Q. What lodging house?—A. Mr. McNally's.

Q. Where is Mr. McNally's lodging house?—A. 19 Causeway street, of course.

Q. When were you first assessed at 19 Causeway street?—A. 1900, I guess.

Q. Don't you know?—A. I am sworn, ain't I? I said 1900.

Q. When were you first registered from 19 Causeway street?—A. 1900.

Q. What was your height at that time?—A. I should say about 5 foot 10, I guess.

Q. What was your weight?—A. About 160.

Q. What part of 19 Causeway street do you occupy?—A. The first floor there; pool and billiard hall.

Q. That where you sleep?—A. That is where I was watchman.

Q. What part of Causeway street did you sleep in?—A. At the present, or the time I was registered?

Q. When you were registered what part of 19 Causeway street did you occupy?—

A. In 1900, you mean, or 1902?

Q. 1902.—A. Part of the third floor; lodging house.

Q. What part of the third floor?—A. Well, the sleeping room, of course.

Q. Was it in the rear or the front?—A. I suppose it reaches from the rear to the front.

Q. How many rooms on the third floor?—A. Only one to my knowledge.

Q. You reasonably familiar with 19 Causeway street?—A. Yes, sir; have reason to be.

Q. Do you occupy a room by yourself?—A. No, sir.

Q. How many beds in the room you occupy?—A. Supposed to be 40.

Q. How many people occupy that room?—A. Supposed to be 40 lodgers.

Q. How many people occupy them?—A. Forty lodgers, I told you.

Q. How many people occupied May 1, 1902?—A. Might be some short of 40—might be 40.

Q. Do you know?—A. I don't know; if I looked at the books, why, I might tell you.

Q. Were you then night clerk?—A. In May last? No.

Q. You familiar with the people that reside at 19 Causeway street?—A. Some of them.

Q. How many of them do you know?—A. Well, I should average about 5 or 6, 7 or 8.

Q. How long have they lived at 19 Causeway street?—A. I don't know about them fellows; I don't keep their records.

Q. Were they living there May 1, 1902?—A. Well, the people I know was.

Q. How long after May 1, 1902, were they living there?—A. All I know there then is there now.

Q. That is, 5 or 6?—A. I said 5 or 6 or 7 or 8.

Q. Did the same people occupy the beds at 19 Causeway street night in and night out?—A. Most generally.

Q. Do the same people occupy the same beds?—A. A man might be a stranger, but there are some that have been there for some time, I answered you.

Q. I am not responsible for your stupidity.—A. I am supposed to answer what you ask me.

Q. Now, the same people occupied the beds in 19 Causeway street from May 1 up to the present time?—A. The people I know does; yes.

Q. That is, only 5 or 6?—A. I said 5 or 6, 7 or 8; you can please yourself.

Q. Of the 35 people that occupied the beds at 19 Causeway street on May 1, 1902, how many of them have continuously since that time occupied beds?—A. The same number I know are there still.

Q. What number is that?—A. I told you 5 or 6, 7 or 8.

Q. Did you vote November 4, 1902, at the State election?—A. Yes, sir.

Q. Are the same people occupying the beds to-day that occupied them May 1, 1902?—A. I couldn't say; the people I know does, but others I don't know. The same people I know occupy the same beds.

Cross-examination by Mr. MORAN:

Q. During the three years, Mr. McCarty, that you have lived at 19 Causeway street, that has been your home and your residence, and the only one you had?—A. Yes, sir.

JEREMIAH J. MURPHY, being first duly sworn, testified as follows:

Direct examination by Mr. HARRIGAN:

- Q. Your full name, date, and place of birth.—A. Jeremiah J. Murphy.
 Q. Where were you born?—A. Cork.
 Q. What year and month?—A. 1869.
 Q. When did you come to America?—A. In 1885.
 Q. Where and when were you naturalized?—A. I was naturalized in the post-office.
 Q. Where?—A. Boston.
 Q. What year?—A. Well, I can show you it, I guess—in 1901, September 3.
 Q. Where do you now live?—A. 19 Causeway street.
 Q. What is your occupation?—A. Teamster.
 Q. Where did you live May 1, 1902?—A. 19 Causeway street.
 Q. What was your occupation at that time?—A. Teamster.
 Q. How long before May 1, 1902, were you living at 19 Causeway street?—A. Probably a year or two.
 Q. Which way, before or after?—A. Before.
 Q. When were you first assessed at 19 Causeway street?—A. In 1901.
 Q. 1901?—A. 1902, May 1—around there, May 1.
 Q. How were you assessed?—A. I gave my name to the proprietor, Mr. McNally.
 Q. Were you previously assessed from 19 Causeway street?—A. Yes, sir.
 Q. Where were you living prior to May 1, 1902?—A. I was living at 32 Poplar street.
 Q. When were you first registered?—A. In 1901, I believe.
 Q. From there?—A. From 19 Causeway street.
 Q. What part did you occupy?—A. I generally occupied the front of the building.
 Q. What floor?—A. The third floor.
 Q. Room by yourself?—A. No.
 Q. How tall were you?—A. How tall?
 Q. Yes.—A. I suppose I am not any taller now.
 Q. How tall were you at that time?—A. Five foot nine.
 Q. What was your weight?—About 165, around there.
 Q. How much do you pay for your bed?—A. I pay a dollar a week.
 Q. How do you pay it, weekly or nightly?—A. Weekly.
 Q. What number of bed do you occupy?—A. I couldn't tell you; there is no number.
 Q. Did you occupy the same bed every night?—A. I occupied the same bed since last February.
 Q. Did you vote in 1902, the day of the State election?—A. Yes, sir.
 Q. Does Mr. McNally live at 19 Causeway street?—A. No, sir.
 Q. Where does he live?—A. Couldn't tell you.

Cross-examination by Mr. MORAN:

- Q. During the past two years that you have lived at 19 Causeway street, that has been your home and your residence, and the only home and residence you had during that time?—A. Yes, sir.

PETER O'ROURKE, being first duly sworn, testified as follows:

Direct examination by Mr. HARRINGTON:

- Q. What is your full name?—A. Peter O'Rourke.
 Q. Where and when were you born?—A. I was born in Ireland.
 Q. What year?—A. 1865.
 Q. How long have you been in America?—A. Well, I come here in 1881.
 Q. When and where were you naturalized?—A. In Boston.
 Q. What year?—A. In '90.
 Q. What do you mean by "'90"?—A. 1890.
 Q. Thirteen years ago?—A. Yes, sir.
 Q. Where do you at the present time live and what is your work?—A. I live at 19 Causeway street; I am a bricklayer.
 Q. Where did you live May 1, 1902?—A. I was living at 19 Causeway street.
 Q. Have you been living at 19 Causeway street since May 1, 1902, up to the present time?—A. Yes, sir.
 Q. Where did you live previous to May 1, 1902?—A. I lived at 46 Carver street, Somerville.
 Q. When did you first go to live at 19 Causeway street?—A. 1889.
 Q. 1889?—A. Why—

Q. How long have you been continuously living at 19 Causeway street?—A. About three years.

Q. Have you been staying there every night during that period?—A. Sometimes I am called out of town to do work and I follow my work.

Q. What is the nature of your work?—A. Bricklayer. I might get a job out of town some time.

Q. When you went out of town did you relinquish your residence at 19 Causeway street—did you give up your residence at Causeway street?—A. I did.

Q. So that you have not been living at 19 Causeway street all the time?—A. Not all the time.

Q. When did you last give up your residence at 19 Causeway street to go out of town?—A. June and July last—this last year.

Q. How long were you gone that time?—A. Almost three months.

Q. When previous to June 1 did you give up your residence 19 Causeway street?—A. When before?

Q. What month?—A. In December. The last of December and first of January I went to Needham.

Q. That is January, 1902?—A. 1901.

Q. 1902?—A. 1902.

Q. You then had no residence at 19 Causeway street?—A. No.

Q. You had no claim on 19 Causeway street?—A. No, sir.

Q. From January, 1902, up to June, 1902—had you acquired a residence at 19 Causeway street between January and June, 1902?—A. Yes, sir.

Q. From the time that you subsequently acquired a residence up to June, 1902, did you go out of town?—A. No; I worked in town.

Q. Are you married?—A. No, sir.

Q. Ever married?—A. No, sir.

Q. Did you vote November 4, 1902, at the last election?—A. Yes, sir.

Q. When were you first registered from 19 Causeway street?—A. 1899.

Q. How tall were you at that time?—A. Five foot seven and a quarter.

Q. How much did you weigh?—A. 155.

Q. Now, for whom do you work?—A. I work for several parties.

Q. Name the last one.—A. The last party was Frank Morrill.

Q. Where does he live?—A. Berkeley street, Boston.

Cross-examination by Mr. MORAN:

Q. On the first day of May, 1902, you lived at 19 Causeway street?—A. Yes, sir.

Q. And you had lived there for a couple of months before that day, and for a month or two after that day?—A. Yes, sir.

Q. So that during that time that was your home and your residence?—A. Yes, sir.

Q. And at that time you had no other home and no other residence?—A. No; and hasn't to-day.

JOHN J. WINN, being first duly sworn, testified as follows:

Direct examination by Mr. HARRINGTON:

Q. What is your name?—A. John J. Winn.

Q. Where were you born?—A. Ireland.

Q. When?—A. 1867.

Q. When did you come to America?—A. When I was 9 months old.

Q. Where is your present place of residence?—A. No. 3 Lowell street.

Q. What is your occupation?—A. I am washing bottles for Paddy Minor on Lowell street.

Q. How long have you lived on Lowell street?—A. Since Decoration Day.

Q. Where did you live prior to that?—A. 19 Causeway street.

Q. How long have you lived there?—A. For about three months before the first of May.

Q. What part of 19 Causeway street did you then occupy?—A. On the third floor, in one of the beds.

Q. What is the number of your bed?—A. I couldn't say.

Q. Did you occupy the same bed?—A. All the time I was there.

Q. How much did you pay for that bed?—A. I paid a dollar a week.

Q. Did you pay weekly or nightly?—A. I paid weekly, because if I paid nightly I lose 5 cents.

Q. What was your occupation on May 1, 1902?—A. I was doing the same thing as I am now, washing bottles.

Q. How long have you lived in Boston?—A. All my life.

Q. I thought you said you were born in Ireland?—A. I know, but give me nine months and then you can have the rest of it.

Q. Where did you live prior to 19 Causeway street?—A. I lived at 20 Nashua street; there for twenty years.

Q. You married?—A. No.

Q. You ever married?—A. No.

Q. When were you first registered?—A. Fifteen years ago.

Q. When have you last been registered?—A. That is about half of that.

Q. Haven't you been registered since then?—A. No, sir; I have not; I met the assessors down to 20 Nashua street, and I told them my mother died and I moved to 19 Causeway street. I had to buy lodging—broke up housekeeping—I had to take lodging.

Q. You remember the year you were last registered?—A. No; I couldn't say that, not very well; I could find it if I looked it up.

Q. How tall are you?—A. Five foot five, they generally say I am.

Q. How much did you weigh on May 1, 1902?—A. I don't know; I never weighed myself.

Q. Never weighed yourself?—A. No, not to amount to anything.

Cross-examination by Mr. MORAN:

Q. Well, some time before the first of May, 1902, and for some months afterwards, and on May 1, 1902, you had your home and residence at 19 Causeway street?—A. Yes, sir.

Q. And that was the only home and residence you then had?—A. Yes, sir.

PATRICK J. CUNNINGHAM, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. Your name, age, residence, and occupation?—A. Patrick J. Cunningham; 32 years the 27th of next September.

Q. Occupation?—A. Prison officer of the house of correction.

Q. Deer Island?—A. Yes, sir.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. Eleven years ago the 24th of next September.

Q. When were you naturalized?—A. Seven years next September.

Q. At the Federal Building, Post-Office square?—A. Yes, sir.

Q. When did you receive your appointment as prison officer at Deer Island?—A. Three years ago the 4th of next October.

Q. And do the exercise of your duties require you to be present at Deer Island, at the institution?—A. No, sir; I do my day's work and go home if I want to, and go back on the boat in the morning.

Q. What do you generally do?—A. I am a day officer; I go to work at 8 o'clock in the morning, and I get through at half past 4 in the afternoon.

Q. Do you sleep at Deer Island?—A. Yes, sir.

Q. How frequently?—A. Probably twenty-six nights out of the month.

Q. You sleep twenty-six nights of the month at Deer Island?—A. Yes; sometimes.

Q. For the last three years you have slept twenty-six nights of the month at Deer Island?—A. Not twenty-six nights; I have come up and stayed in the city when I had business.

Q. You generally sleep at Deer Island, at the institution?—A. Yes.

Q. If you had any business to do in Boston that would take you up here, you came up?—A. Yes, sir; came up for three days and three nights of each month.

Q. May 1, 1902, did you register at 36 Billerica street?—A. Yes, sir.

Q. Why did you register at 36 Billerica street?—A. Because I worked at Deer Island, and I stopped there.

Q. How long had you lived at 36 Billerica street?—A. Well, I haven't lived there any length of time, no more than I slept there at the house of a friend of mine. I have stopped in his house whenever I come up generally.

Q. You never made your home there?—A. No, sir.

Q. At the time you were appointed a prison officer, where was your home?—A. 14 Chambers street.

Q. You married?—A. No, sir.

Q. I understand you to say that never in these three years did you make your home at 36 Billerica street?—A. I have slept there.

Q. But not to make it your home?—A. I have stopped there, but not to make it my home.

Q. Did you give your name to the assessors as living at 36 Billerica street?—A. Yes, sir.

Q. When?—A. In 1902 and 1903.

Q. To whom?—A. To Mr. Friel, to give to them.

Cross-examination by Mr. MORAN:

Q. For what purpose did you give Mr. Friel your name?—A. Because I didn't stay there only when I come up to Boston.

Q. What did you want him to do with it?—A. I want him to give it to the assessors.

Q. You wanted to be assessed from his house?—A. Yes, sir.

Q. For what purpose?—A. For to pay my taxes.

Q. And then what else besides paying your taxes?—A. To be a citizen of Boston.

Q. And to do what as a citizen of Boston, have the right to vote?—A. Yes, sir.

Q. So that, before you gave him your name, you made up your mind that you would have his house, in which you stayed from time to time, your place from which you were to be assessed and registered for the purpose of establishing your right to vote?—A. I always stayed at his house when I come up.

Q. Yes, you always stayed at his house so that, aside from your living place down at the Island, would be your home?—A. Yes, sir.

Q. It is your voting home?—A. Yes, sir.

Q. Your voting residence?—A. Yes, sir.

Q. You intended it should be your voting home and voting residence?—A. Yes, sir.

Q. You have no other voting home or voting residence?—A. No, sir.

Q. When you have your three days' and three nights' lay-off, do you call it?—A. I get three days and three nights when I come and stay at Mr. Friel's.

Q. You stop right there during this three days and three nights?—A. Yes.

Q. You did stop there — A. May, 1901, and May, 1902.

Q. The first of May, 1902?—A. Yes, sir.

Q. You stayed there for that purpose you have described in your answers to me?—A. Yes.

Q. You did, did you not, stay there for that purpose you described in your answers to me?—A. I didn't stay there for that purpose, but I have been there and got assessed from there.

Q. That is the only home you had at that time?—A. Yes, since I left 14 Chambers street, I had always stayed there when I come up on my lay-off.

Q. How long since you stopped at 14 Chambers street?—A. Three years ago the 4th of November.

Q. Your father live there?—A. Yes, sir.

Q. And you have voted since you have been a voter from there?—A. Yes; and two years from Allen street.

Q. Did you mention the word "Allen?"—A. I voted from Allen street, too.

Q. Which did you vote from first, Allen or Chambers?—A. Allen.

Q. After you voted a couple of years from Allen street, you voted from Chambers street?—A. Yes, sir.

Q. When was your last vote from Chambers street?—A. Three years ago.

Q. And you changed. Then it was at your desire that you were assessed and registered, not from Chambers street, but from Billerica street?—A. Yes, sir.

Redirect by Mr. MALLEY:

Q. You got registered from 36 Billerica street, not because it was your home, but because you wanted to vote, wasn't it, principally?—A. Well, no, it was not; I just went in there and happened to find the assessors had come around. I had no other home there.

Q. You got registered there?—A. Yes, sir.

Q. So you could vote?—A. Yes, sir.

Q. Why didn't you get registered at Deer Island?—A. Because I didn't want to.

Q. Couldn't you vote there at Deer Island?—A. I never voted over there, and I thought it better to vote where I was acquainted than where I was not.

Q. 36 Billerica street is not your home?—A. I make it my home, I have got some clothes there.

Q. That all?—A. Yes, sir.

Q. What do you keep at Deer Island?—A. Some clothes.

Q. Trunk there?—A. No, sir.

Q. Most of your clothes are at Deer Island, aren't they?—A. No, sir; only my uniform.

Q. Where do you keep the rest of your clothes?—A. At 36 Billerica street.

Q. Where?—A. On the third floor there.

- Q. That your room exclusively?—A. A friend sleeps there.
 Q. Who is that friend?—A. John Dyer.
 Q. How long since you have seen him?—A. Not for four months.
 Q. Did you take an examination to be appointed prison officer?—A. No, I didn't have to.
 Q. Were you appointed through the influence of Martin Lomasney?—A. No, sir.
 Q. Through whose influence?—A. Mr. Gerrish's.
 Q. Did you secure his influence before you were appointed?—A. Yes; I had him indorse my application.
 Q. What had you been doing before you were appointed a prison officer?—A. I was a teamster.
 Q. For whom?—A. Henry McShea.
 Q. Where is his place of business?—A. 52 and 54 Allen street.
 Q. That the West end?—A. That ain't the West end; it is in the North end, if I ain't mistaken.

JOHN F. CORCORAN, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

- Q. You state your name, age, residence, and occupation.—A. John F. Corcoran; age, 38; I am in the iron and steel business—hardware.
 Q. Where is your place of business, Mr. Corcoran?—A. 86 to 90 Beverly street.
 Q. You married?—A. No, sir.
 Q. You make your home at the Falmouth House?—A. Occasionally, yes.
 Q. Where do you live at the other occasions?—A. Where I happen to be.
 Q. Where do you live now?—A. At my father's house.
 Q. Where is that?—A. In Charlestown.
 Q. What street and number?—A. 14 Auburn street.
 Q. Your mother living?—A. No, sir.
 Q. Brothers and sisters living?—A. One brother and one sister.
 Q. And your father, you live with him there?—A. At the present time.
 Q. On the 1st of May, 1902, where did you live?—A. 68 Causeway street.
 Q. What room?—A. 47, I believe it was.
 Q. Did you register when you went there?—A. No, sir, I did not, because I engaged the room by the month.
 Q. When did you first engage this room in the Falmouth House?—A. Well, last year.
 Q. About when?—A. I believe I was there about the 1st of April, more or less.
 Q. 1st of last April?—A. Of the year before last.
 Q. Two years ago next April, you engaged a room by the month?—A. Yes, sir.
 Q. Did you continue to occupy the room by the month ever since?—A. No; because I did not require it only until the last of May or June.
 Q. Two years ago you hired a room at the Falmouth House and continued in it until the May succeeding?—A. No, sir.
 Q. April, 1901, you hired a room at the Falmouth House?—A. I did.
 Q. That is a hotel?—A. Yes.
 Q. How long did you live continuously at the Falmouth House?—A. This 1901?
 Q. 1901.—A. I don't recollect the exact date I hired the room, but I think it was possibly about the 10th of April.
 Q. It was in the month of April?—A. It was in the month of April.
 Q. How much did you pay?—A. I don't know now; it is charged up in my business expenses.
 Q. You have no recollection now?—A. Yes; I think it was about \$5 a week.
 Q. You lived there how long; from the 10th of April to the time of your departure from the hotel?—A. I didn't leave there until about the middle of June in 1901.
 Q. Where did you live then?—A. I went to Newport.
 Q. How long did you live at Newport?—A. I generally stay there about two months, during the season.
 Q. Where did you go then?—A. Came back to Boston.
 Q. Where did you go to live?—A. Dorchester.
 Q. Where?—A. Boston street.
 Q. What number?—A. 70.
 Q. With whom?—A. My sister.
 Q. Where did you go to live from your sister's?—A. I don't recollect where I did for the time being; I think I went up town and stopped at a hotel for a couple of weeks.

- Q. You remember the hotel?—A. Yes; the Savoy.
- Q. When was that?—A. About December of last year.
- Q. Did you register there?—A. Yes, sir; I did.
- Q. Under the name of John F. Corcoran?—A. John F. Corcoran.
- Q. Where did you go after that two weeks?—A. I think I went over to Charlestown.
- Q. How long did you live in Charlestown?—A. I go home occasionally; I have lived in Charlestown the greater part of my life.
- Q. That your father's house?—A. Yes.
- Q. When did you come again to live at the Falmouth House?—A. In April, the 9th.
- Q. Did you hire a room there?—A. Yes.
- Q. Same room?—A. No.
- Q. What room was it you hired this time?—A. I don't recollect the number of the room.
- Q. What floor?—A. On the second floor.
- Q. From who did you hire it?—A. Of the clerk.
- Q. Did you register?—A. I think I did in 1902.
- Q. Did you hire by the month?—A. By the month.
- Q. Why did you register this time, and did not before, when you hired it by the month?—A. Because I was known to the clerk; I have known him all my life.
- Q. What is the clerk's name?—A. Clark.
- Q. Fred Clark?—A. Yes.
- Q. How long did you live that time at the Falmouth House?—A. About the same.
- Q. Did you give your name to the assessors?—A. I did not.
- Q. Did anybody say they would give your name to the assessors?—A. Often mentioned that matter out there.
- Q. To whom did you mention it?—A. I mentioned it to Mr. Clark.
- Q. To give your name to the assessors?—A. To give my name to the assessors.
- Q. Did you ever stop at the Falmouth House at any other time except around the month of May?—A. I frequently stopped there.
- Q. Had you ever stopped around the month of May previous to May, 1891?—A. No.
- Q. Had you ever stopped there to any other hotel around the month of May previous to that May?—A. No; because I wasn't in the country at the time; I was living in Europe part of the time.
- Q. Where were you born?—A. In Boston.
- Q. Did you live in hotels around Boston twelve years ago?—A. No; not at that time; no.
- Q. When did you get registered?—A. I believe I was registered in 1901.
- Q. Where did you go to get registered?—A. To the old court-house, Court square.
- Q. Did you vote at the last State election?—A. I did; yes, sir.
- Q. Other than your father's place, have you any home?—A. It all depends upon where I stay; I consider that my home where I happen to stay at the time.

Cross-examination by Mr. MORAN:

- Q. So that, on the 1st of May, 1902, and for some weeks before, and for some weeks after that day, your home was at the Falmouth House, which is 68 Causeway street?—A. Yes, sir.
- Q. And the only home you had at that time?—A. The only home.
- Q. The only residence you had at that time?—A. Yes, sir.
- Q. What business are you in?—A. Iron and steel and heavy hardware business.
- Q. How are you connected with that business?—A. I am partner in the business; I own the business—what I mean is, I own the business.
- Q. Where?—A. 86 to 90 Beverly street, in Ward 8.
- Q. How long have you been in business there?—A. Going on three years.

Redirect by Mr. MALLEY:

- Q. Does your concern sell goods to the city of Boston?—A. Never; no, sir.

ROBERT K. McKIRDY, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

- Q. Will you state your name, age, residence, and occupation?—A. Robert K. McKirdy; 53 years of age; advertising business; residence, 68 Causeway street.
- Q. You are a councilman from Ward 8?—A. Yes, sir.
- Q. Are you married, Mr. McKirdy?—A. No, sir.
- Q. Is your father and mother alive?—A. Yes, sir.
- Q. Where do you reside?—A. 68 Causeway street, sir.

Q. How long have you lived at 68 Causeway street?—A. Since the middle of last October; about the first week of last October, when I came from the beach.

Q. Occupying the same room there from that time to the present time?—A. Yes, sir.

Q. Last October did you say?—A. Last October, sir.

Q. May the 1st, 1902, where did you stop?—A. 68 Causeway street, sir.

Q. How long previous to May 1, 1902, had you resided at 68 Causeway street?—A. The first week in March.

Q. That is the Hotel Falmouth?—A. Yes, sir.

Q. In all how long?—A. About the first week in June I went to the beach.

Q. What room did you occupy?—A. 60.

Q. When you went there the first week in March did you register?—A. Yes, sir.

Q. Did you register when you came back?—A. No; I told Mr. Clark when I came back if he had my old room I would like to have it.

Q. Did you room with anybody?—A. No, sir.

Q. Did you ever live in Main street, Charlestown?—A. Yes.

Q. When?—A. In the year 1901, in the months of the last of October, November, December, January, and the 1st of February.

Q. Did you have a room there?—A. Had a room there with a friend of mine.

Q. Did you vote November 4, 1902?—A. Yes, sir.

Q. You were warden at that time?—A. No, sir.

Q. You have been warden in the last two years?—A. I think previous to that I was; yes.

Q. How many years?—A. Oh, four or five years; warden one year and clerk the next year.

Cross-examination by Mr. MORAN:

Q. For some weeks prior to, and for some weeks after the 1st of May, 1902, your home and residence was the Hotel Falmouth, 68 Causeway street?—A. Yes; I make it my home all the time.

Q. That is the only home you have?—A. Yes; since a year ago last March I moved my trunks and valise there; everything I own is there.

WALTER L. GRIFFIN, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. You state your name and age, residence and occupation?—A. Walter L. Griffin, 68 Causeway street, 29 years of age, occupation bricklayer.

Q. May 1, 1902, where did you live?—A. 68 Causeway street.

Q. What room?—A. I think the number was 98; I ain't sure; 98 I think.

Q. When did you go to live there?—A. Let me see—some time in April.

Q. Last of April?—A. No; it was the night before the holiday; I was showing near by.

Q. How long have you lived there?—A. Until well into June.

Q. Part of the month of April, the month of May, and into June, occupying the same room?—A. Yes, sir.

Q. Did you register?—A. I don't know whether I registered or not; I had a pretty good skin full when I went in there.

Q. I don't understand what you said?—A. I don't think I registered.

Q. How did you pay for your room, by the day, or week, or month?—A. Three dollars a week in advance.

Q. Did you vote at the State election?—A. Yes, sir.

Q. Where do you live now?—A. The American House.

Q. How long you been living there?—A. Since last August.

Q. That is in East Boston?—A. Yes, sir.

Q. Occupy a room there?—A. Yes, sir.

Q. How long have you lived in East Boston?—A. Since 1874. Of course, I have done a good deal of rowdying around.

Q. What do you mean by rowdying around?—A. Working outside at different places.

Q. You spell the word you used?—A. I worked in different places on buildings; building compels me to live where the buildings are, in one place and another.

Q. Did your business compel you to move from East Boston to Hotel Falmouth on last April?—A. Not necessarily, no.

Q. Where were you working last April?—A. Pretty near Forrest Hills.

Q. Did you vote at the State election?—A. Yes, sir.

Q. November 4, 1902?—A. Yes, sir.

Q. You married?—A. No, sir.

Q. Ever been married?—A. No, sir.

Q. When you stayed there at the Hotel Falmouth, there for a month, did you bring any baggage there?—A. Well, a bag, a couple of towels, a bottle of witch-hazel, and a pair of tights.

Q. That is all you brought to make your home there; you made it your home there?—A. Yes, for the time being.

Q. Where did you leave the tools of your bricklayer's trade?—A. In the shanty where I was working.

Q. When were you registered from 68 Causeway street?—A. When?

Q. Yes.—A. I supposed it was the 1st of May.

Q. Did you go up to the assessors to get assessed yourself?—A. No, sir.

Q. Did you see the assessors when they came around May 1?—A. No, sir; but I left word.

Q. Left word with whom?—A. The clerk.

Q. Had you ever stopped any length of time at the Hotel Falmouth before this time?—A. No, sir.

Q. Had you ever stopped six weeks at any hotel in Boston previous to this time?—A. No, sir.

Q. Lived all your life in East Boston up to this time?—A. Yes, except what times I was out of town where I was working.

Q. You never stayed at any hotel in Boston for six weeks at a time previous to April, 1892, did you?—A. It was April I went there—

Q. Did you?—A. Not six weeks in Boston, but I often stopped in Boston, West End.

Q. When you were there the 1st of April you went to the Falmouth House determined to stay there?—A. I went there that night; I determined to stay there afterwards and brought my stuff.

Q. When you stayed there you considered East Boston your home?—A. No, sir.

Q. Where did you consider your home?—A. Falmouth House, 68 Causeway street.

Q. When you first went there you showed there?—A. I showed in a building near there.

Q. And it was late to go home, and you thought it was late and thought you would go in and sleep there?—A. Yes, sir.

Q. You say you had a skin full?—A. You say that.

Q. You determined to make it your home at the time you had the skin full?—A. No, sir.

Q. When was it you determined to make it your home?—A. The next day.

Q. When you got to thinking about it. Where was your home prior to that—prior to that night that you went to the Falmouth?—A. 34 Harvard street.

Q. East Boston?—A. Yes, sir.

Q. After you left the Hotel Falmouth, in June, where did you go to make your home?—A. Went to work up on the waterworks and boarded in Saxonville.

Q. Ever make your home at 34 Saxon street?—A. No, sir; went down to Peddocks Island.

JAMES A. BRAGAN, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. James A. Bragan; 68 Causeway street; occupation, clerk; 32 years of age.

Q. Clerk in a hotel there?—A. No, sir.

Q. Where are you a clerk?—A. 56 Union street.

Q. That in— A. Boston.

Q. North End, is it?—A. Runs from Hanover street to Dock square.

Q. Clerk in what sort of business?—A. Well, you might call it shipping business.

Q. How long did you make your home at the Falmouth House prior to May 1, 1902?—A. I lived there regular for four years.

Cross-examination by Mr. MORAN:

Q. That is your home and residence and the only one you had?—A. Yes, sir.

Q. And has been for four years?—A. Yes, sir.

WILLIAM J. HEWITT, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. State your name, age, and residence.—A. William J. Hewitt; 52 years old; residence at the present time, 52 Causeway street.

Q. How long have you been living at 52 Causeway street?—A. About four weeks.

Q. Prior to that where did you live?—A. Various places.

Q. Name some of the places.—A. The Falmouth House, Ketterer's Hotel,

Q. Folks live in Boston?—A. No, sir.

Q. Where do they live?—A. I haven't any folks.

Q. What did you say your occupation was?—A. I didn't say.

Q. Will you say now?—A. Well, I am a waiter at the present time at Ketterer's Hotel.

Q. Were you a waiter at the Falmouth House?—A. No, sir.

Q. Where were you a waiter?—A. I didn't say I was a waiter anywhere.

Q. What were you employed, working at, May 1, 1902?—A. Wasn't doing anything at all; I was living at the Falmouth House.

Q. Wasn't doing anything?—A. I was living at the Falmouth House.

Q. How long previous to May 1 had you been doing nothing other than living at the Falmouth House; how long had you been loafing?—A. I hadn't been loafing only about two weeks.

Q. For about two weeks prior to May 1 you were loafing, and continued to loaf how long?—A. I went to work about the second week in May, I think.

Q. Then you left the Falmouth House?—A. No; sir.

Q. How long did you keep on living at the Falmouth House?—A. The latter part of June or the 1st of July.

Q. What room did you occupy?—A. Room 55.

Q. Did you register?—A. I did.

Q. Where did you come from when you went to the Falmouth House?—A. Came from New York.

Q. How long had you been in New York?—A. I really couldn't say.

Q. Where the last time previous to your coming to the Falmouth House, in April of last year, when you say you came from New York?—A. I didn't say that I went to the Falmouth House in April of last year.

Q. When did you come to the Falmouth House?—A. I went to the Falmouth House the first week in January.

Q. And you came from New York to the Falmouth House?—A. Not direct; no, sir.

Q. Well, how did you come; where was the last place you came from to the Falmouth House?—A. You mean the last city that I came from?

Q. Yes.—A. Manchester, N. H.

Q. Came from Manchester, N. H., in January of 1892?—A. I did.

Q. You went to live at the Falmouth House?—A. Yes, sir.

Q. What had you been doing at Manchester, N. H.?—A. Working at the Manchester Print Works.

Q. How long had you been working at the Manchester Print Works?—A. I couldn't really say how long.

Q. How long, as nearly as you recollect?—A. I couldn't really say definitely.

Q. Who was your foreman?—A. Charles Franks.

Q. Then, when you went to live at the Falmouth House in January, were you loafing then?—A. I went there to live; I certainly was loafing; yes.

Q. You loafed January, February, and March?—A. No, I didn't loaf; I was selling an article.

Q. What article were you selling?—A. A nail cutter, a finger manicure, made by J. H. Walbridge, New York.

Q. Go around from house to house selling that?—A. Different places.

Q. How much did you pay for your room?—A. Three dollars a week.

Q. Did you give your name to the assessors to be assessed?—A. I left a note in the office for my name to be registered.

Q. Your age and occupation?—A. My age and occupation.

Q. How tall you were?—A. I don't really remember now.

Q. When did you get registered?—A. In October.

Q. Where?—A. At the old court-house.

Q. Who went with you?—A. I went alone.

Q. Who asked you to go up?—A. Nobody.

Q. Had you ever voted before in Boston?—A. No.

Q. Had you ever lived before in Boston?—A. I had.

Q. When had you lived in Boston before?—A. Well, when I come here for a time and go away.

Q. Had you ever lived permanently in Boston before this?—A. I live nowhere permanently.

Q. You didn't consider that you were living permanently in Boston when you were living at the Falmouth House?—A. I did then; yes. That is the only home I had at that time, for I had no home only where I was stopping.

Q. You came from Manchester, N. H., with the intention for the first time in years of making your permanent home in Boston, and you came here in 1902?—A. State that again.

Q. You for the first time, with the intention of making your permanent home in Boston, came from Manchester, N. H., here to Boston in 1902?—A. Any place I go to stay is my home.

Q. Then you came at this time to the Falmouth House to make it your permanent home?—A. I just answered your question; any place that I go to stop, that is my home.

Q. If you were assessed May 1 by giving your name to the clerk, why did you have to go up to get registered?—A. Could anybody go and represent me to be registered?

Q. Why did you have to go up?—A. Could anybody go and represent me?

Q. The question is, why did you have to go up to get registered?—A. Am I compelled to answer that question?

MR. BARNES. I think if you are able to, if you know, you ought to answer.

THE WITNESS. I have said I am unable to.

Q. Are you able or unable?—A. State that question again.

Q. (Read by stenographer.)—A. Because nobody else could go and represent me.

Q. Who asked you to go up there?—A. Nobody asked me to go; common sense told me to go.

Q. Did they take your name and register you up there?—A. Up where?

Q. Where you went to get registered?—A. Please state where you mean.

Q. Don't you know where you went to get registered?—A. Yes; I do.

Q. At the place where you went did they have your name?—A. They did.

Q. Have your height?—A. They did.

Q. What height did you give them?—A. Five feet eight or seven, I believe; I think 5 foot 8.

Q. How much do you weigh?—A. I couldn't say; I think from 145 to 155.

Q. Were you smooth faced then, just as you are now?—A. I was.

Q. Did you know at that time that your name was already on the list?—A. What do you mean by "on the list?"

Q. On the list of voters.—A. I really couldn't say whether I did or not.

Q. What time of year did you go up to get assessed?—A. I told you in October.

JEREMIAH J. CROWLEY, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. Jeremiah J. Crowley; age, 28; residence, 68 Causeway street; occupation, bartender; 101 Haverhill street.

Q. For whom there?—A. W. M. Earle & Co.

Q. How long have you been working for W. M. Earle & Co.?—A. Be four years next August.

Q. Where do you live now?—A. 68 Causeway street.

Q. What room do you occupy there?—A. Room 67.

Q. Occupied that room for how long?—A. Been pretty near a year about the middle of March, I guess.

Cross-examination by Mr. MORAN:

Q. That is your only home and residence?—A. Only home and residence.

Q. Has been since a year ago?—A. Since a year ago.

THOMAS J. DOWD, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. You state your name, age, residence, and occupation.—A. Thomas J. Dowd; 28 years; 36 Billerica street; in the employ of the street department, city of Boston.

Q. How long have you lived at 36 Billerica street?—A. Been living there for the last five years.

THOMAS J. VAIL, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

Q. You state your name, age, residence, and occupation.—A. Thomas J. Vail; 23; 36 Billerica street.

Q. Occupation?—A. Expressman.

Q. For whom do you work?—A. Merchants' Cooperative Express Company.

Q. How long have you been working for them?—A. Since about the 1st of December.

Q. What is 36 Billerica street; a boarding house?—A. Well, part of it, I believe.

Q. Do you hire a room there?—A. I do, sir.

Q. How long since you have been living there?—A. Since the 1st of November.

Q. The 1st of last November?—A. November, 1901.

Q. Where did you live before that?—A. East Cambridge.

Q. Your folks live there?—A. Father does not.

Q. Where does he live?—A. North Abington.

Q. Your sisters live in Cambridge?—A. One lives at 7 Harrison street and the other 250 Brookline street.

Q. Where did you last live in Cambridge?—A. 7 Harrison street.

Q. With one of your sisters?—A. Yes.

Q. She married?—A. Yes, sir.

Q. You came to live at 36 Billerica street a year ago last November?—A. Yes, sir.

Q. Do you take your meals there?—A. No, sir.

Q. Sleep there?—A. Yes, sir.

Q. Sleep there now?—A. Yes, sir.

Q. What room?—A. Room on the second floor.

Q. Front or back?—A. Front.

Q. Room with anybody?—A. Room with my cousin.

Q. What is his name?—A. Michael J. Kenney.

Q. What is his business?—A. I don't know just what he is doing; picture-frame maker, I think; I don't know sure.

Q. When did you first get assessed?—A. Last September.

Q. You went up to city hall to get assessed, did you?—A. Yes, sir.

Q. Who went up with you?—A. Michael J. Kenney; I don't remember who the other gentleman is.

Q. Who asked you to go up?—A. I went up of my own accord.

Q. You asked Kenney to go up with you?—A. Yes, sir.

Q. You asked somebody else?—A. Yes, sir.

Q. Who did you ask?—A. I don't quite remember who it was now.

Q. Had you known him for quite a long time?—A. Yes, sir.

Q. You remember where he worked?—A. No; I don't remember where he worked.

Q. Remember where he lived?—A. No; I do not.

Q. What kind of a looking man?—A. Man about my build, I should say; I don't remember much about him now.

Q. You can only remember that man to be about your build; light or dark hair?—A. I couldn't say.

Q. Smooth face or mustache?—A. I couldn't say that.

Q. Did he wear glasses?—A. I couldn't say sure.

Q. You don't know anything more about him?—A. No, sir.

Q. What did he swear to?—A. Well, swore that he had known me.

Q. For how long?—A. Somewhere about five years, I guess.

Q. Swore that he had known you for five or six years?—A. I believe I said a year less.

Q. Did he know you when you lived in Cambridge?—A. He did.

Q. Used to go out and see you?—A. Didn't come out to see me, but I met him in the city.

Q. You used to come in to see him?—A. I used to meet him on the street.

Q. You used to enjoy each other's company in the evening?—A. Once in a while.

Q. Quite frequently?—A. Once in a while.

Q. You don't know his name?—A. I do not know just now, I say.

Q. When were you summoned here?—A. I don't know, I am sure.

Q. Who gave you your summons?—A. It was at 36 Billerica street.

Q. Did Mr. Friel give it to you?—A. No, sir.

Q. Who?—A. My aunt, where I lodge.

Q. 36 Billerica street, where you board?—A. Yes, sir.

Q. Who is your aunt?—A. Mrs. Kenney.

Q. Does Mr. Friel live there?—A. I believe he does.

Q. Don't board with your aunt?—A. I couldn't say for sure; all I do is lodge there.

Q. Did you go to register after you got assessed?—A. I did.

Q. Then did you vote at the State election?—A. Yes, sir.

Q. November 4, 1902, and the Congressional election on that day?—A. I voted that day; the State election. I thought it was.

Q. When you got registered what weight did you give as being your weight?—A. I believe somewhere around 150 pounds.

- Q. What height?—A. About 5 foot 7, I think it was.
 Q. Got any brothers?—A. Yes, sir.
 Q. Where do they live?—A. Cambridge.
 Q. What street?—A. One of them lives in Cambridge; I don't know the number of the street he lives on; he lives on River street.
 Q. What is his name?—A. Michael J. Vail.
 Q. Do you remember the night you went up to be assessed?—A. I don't; the latter part of September, I know.
 Q. What kind of a night?—A. I don't remember.
 Q. Remember whether pleasant or dark?—A. I think a kind of damp night.
 Q. You think it was a rainy night?—A. I won't say.
 Q. Very damp. Had it been raining just previous?—A. I couldn't say.
 Q. Hadn't been raining?—A. I couldn't say; I think it was a kind of damp night.
 Q. Was it necessary for you to go up to the assessors' office to be assessed?—A. Well, I suppose so.
 Q. Did you have to swear and the other two men have to swear that night?—A. They did.
 Q. Before the assessors in the city hall?—A. Yes, sir.
 Q. That you lived at 36 Billerica street and you had been living there since when?—A. I lived at 36 Billerica street since the 1st of November, 1901.
 Q. Your name wasn't handed in to the assessors on May 1?—A. I so understood.
 Q. Did you leave any word to have it handed in?—A. I don't know that I did.
 Q. Who asked you to get assessed?—A. I did myself.
 Q. Just come to you that you wanted to be assessed?—A. Well, I thought I would.
 Q. First time you wanted to vote was from there, too?—A. Yes.

Cross-examination by Mr. MORAN:

- Q. Is Mrs. Kenney related to you?—A. Yes; she is my aunt.
 Q. She is your aunt?—A. Yes, sir.
 Q. Does she occupy the whole house?—A. No, does not—occupies only one floor.
 Q. She is a tenant and occupies one floor in the building?—A. Yes, sir.
 Q. You room with her?—A. I hire a room from her.
 Q. And you lived there from the 1st of November, 1901, up to the present time?—A. Yes, sir.
 Q. So, on the 1st of May, 1902, and a long time before that and a long time after that, this was your home and residence, and the only home and residence you had?—A. Yes, sir.

Redirect by Mr. MALLEY:

- Q. You know Thomas Friel there?—A. I believe I know him.
 Q. You knew that he was a member of the Hendricks Club?—A. Yes, sir.
 Q. Did you ever go over to the Hendricks Club?—A. Once in a while.
 Q. Did you get the two witnesses from the Hendricks Club?—A. No, sir.
 Q. It was from the Hendricks Club you got your names of the witnesses you don't know?—A. I did not.

JOHN GOLDEN, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

- Q. You state your name, age, residence, and occupation.—A. John Golden; 68 years of age; born in Ireland; residence at the present time, the Soldiers' Home.
 Q. How long have you been in the Soldiers' Home?—A. Pretty near two years.
 Q. Two years in the Soldiers' Home?—A. Very near.
 Q. What Soldiers' Home?—A. In Chelsea; stopping there at Chelsea.
 Q. Is your home in Chelsea?—A. Don't consider it my home; stopping there, being disabled for the present.
 Q. May 1, 1902, was you in the Soldiers' Home at Chelsea?—A. I was over to 36 Billerica street, where my niece lives.
 Q. Did you stop there that night?—A. Stopped there about two weeks, I believe.
 Q. You had been at the Soldiers' Home for about two years in Chelsea?—A. Yes, sir.
 Q. Now, around there, the 1st of May, 1902, you went there to see your niece at 36 Billerica street?—A. Yes.
 Q. Stopped there for about two weeks?—A. Yes, sir.
 Q. On a visit?—A. Yes; visit there.

Cross-examination by Mr. MORAN:

- Q. Did you authorize somebody to have you registered or assessed from there?—
A. Yes; I did; I wanted to make that my home.
Q. Yes.—A. I authorized my niece; it is considered my home.
Q. It is the only home you have?—A. The only home I got.
Q. This Soldiers' Home is only a place for you to stay while disabled?—A. Yes, sir.

Redirect by Mr. MALLEY:

- Q. You have been disabled for two years?—A. Yes; rheumatism.
Q. You have been disabled at the Soldiers' Home?—A. Yes, sir.

Recross by Mr. MORAN:

- Q. At the Soldiers' Home you are only there until you recover, and then you come back to your own home?—A. Yes; that is it.

JAMES FRIEL, being first duly sworn, testified as follows:

Direct examination by Mr. MALLEY:

- Q. You state your name, age, residence, and occupation.—A. James Friel; 42 years old last October; residence, 36 Billerica street; inspector in the wire department.
Q. Of the city of Boston?—A. City of Boston.
Q. You live with your family at 36 Billerica street?—A. Yes, sir.
Q. You made your home there for a long time?—A. Yes; eight years since I went in that house; I have lived in that street for over twenty-four years.
Q. You know John Donaher?—A. Yes.
Q. Was John Donaher here to-day?—A. No, sir.
Q. Was Patrick J. Cunningham here?—A. Yes; he testified.
Q. Do you know him?—A. Yes, sir.
Q. How long have you known him?—A. Known him quite a number of years; about ten years.
Q. Did you ask him to get registered from your home?—A. No such thing.
Q. Did you give his name in to be assessed?—A. He left it there with my wife.
Q. Didn't leave it with you?—A. No; left the name in the house to give the assessors; has for two years in succession.
Q. Has he been living at Deer Island as prison officer?—A. I understand that; but he comes up there and makes that his home.
Q. You know Michael J. Kenney?—A. Very well.
Q. Does he live with you?—A. He lives with his mother.
Q. You know John O'Rourke?—A. Yes, sir.
Q. Where does he live?—A. Lives at 36 Billerica street.
Q. Now?—A. Lives there off and on; makes that his home.
Q. You know Hugh McIntyre?—A. Know him before that.
Q. Is he one of your tenants?—A. No; Mrs. Kenney has a tenement there.
Q. John O'Rourke there in May, 1892?—A. Yes; was there three weeks. My wife is his sister.
Q. How long has he lived at 36 Billerica street?—A. There quite a number of years; his father lives there; makes my place his home.
Q. Stays there continuously?—A. Sometimes he works on boats and can't come home.
Q. What boats has he worked on?—A. Worked on the Putnam Bradley.
Q. You know whether he was summoned to be here to-day?—A. Summons left at my house, but he has not been home since.
Q. Does he work steady?—A. I couldn't tell you.
Q. Do you know for whom he worked last?—A. Couldn't tell you.
Q. You know anybody for whom your wife's brother worked in the last year and a half?—A. No more than his daughter told me; she goes down there to that—I don't know what it is—fertilizing place and sees him occasionally, with a girl that stays in my house.
Q. Did you give his name to the assessors?—A. He left his name with his sister in my house.
Q. Do you know whether he was up in his room or not—was the man really up there?—A. I had no means of knowing; I don't see him in his sleeping room.
Q. Do you know who gave his name to the assessors?—A. My wife, that runs the boarding-house, gave it to the assessors.
Q. You don't know anything about it?—A. I saw his name there, and he told his sister to give in his name.
Q. Were you there when he told his sister to give in his name?—A. Oh, I got it from my wife.

Q. Was he around at the State election?—A. Yes.

Q. Did he vote at the State election?—A. So I believe.

Q. Do you know Thomas O'Rourke?—A. Yes, sir.

Q. He a brother of John?—A. No; his father.

Q. He stopped there at your house?—A. Yes, has for fifteen years; never left there except on election day when he comes out in a carriage; he is stone blind.

Q. Dennis Tremblay?—A. He is one of Mrs. Kenney's roomers.

Q. You see him there?—A. I couldn't say; I never go in there twice a year, into Mrs. Kenney's tenement.

Q. How long have you lived there?—A. Eight years the last day of last December.

Cross-examination by Mr. MORAN:

Q. You own the property?—A. Yes, sir.

Adjourned to Saturday, March 7, 1903, at 1 o'clock p. m.

On this day the following-named persons, having been duly served with subpoenas to appear herein, as shown by Exhibits Nos. 61 to 113, inclusive, failed to appear, and no reason was given for their non-appearance: Nathaniel Reed, Thomas J. Ryan, John Kelliher, Charles M. Doran, John F. Kane, Michael J. Kelley, Eugene J. McCarthy, John B. Mudge, James L. Moran, John T. Carey, Michael Cavanagh, Michael C. Dyer, Michael W. Cavanagh, Edward C. Lenox, William Kelley, James H. Wilson, Dennis F. Quinlan, Joseph H. Charak, Francis Clark, Fred Clark, Leo Confort, Patrick Croke, Peter B. Dayer, William D. Doris, James H. Higgins, Frederick T. Lane, Thomas Linge, Thomas Livingston, Joseph J. McFarlane, Burtott A. McLaughlin, David E. McLaughlin, Frank J. McPeake, Henry McPeake, James F. McPeake, John Merritt, Patrick Minihane, Thomas J. Mulvaney, Robert J. Murphy, Fred W. Patterson, Charles J. Wysanski, John William Higgins, Robert W. Houley, Charles F. Lynch, William E. O'Brien, Charles B. Tay, John Doherty, John W. Dyer, John Donaher, Michael J. Kenney, Hugh McIntyre, John O'Rourke, Thomas O'Rourke, Dennis Tremblay, jr.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk ss:*

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 96 pages, is a true and correct record of the testimony and proceedings in the contested election case of Joseph A. Conry against John A. Keliher before me on March 5, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein described.

JOSEPH H. BARNES, JR.,
Special Justice East Boston District Court.

NOTICE TO TAKE DEPOSITIONS.

BOSTON, *March 4, 1903.*

TO JOHN A. KELIHER or his Attorney:

You are hereby notified that I intend to take the testimony of the witnesses whose names and addresses are given in the appended list on Saturday, the 7th day of March, A. D. 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, jr., esq., a special justice of the East Boston district court at the court room of said court on Meridian street in East Boston in said district, and if the taking of said depositions is not concluded on the said date the further taking of such testimony will be continued from day to day at the same hour and place until fully concluded.

Louis Sonnabend, 42 Lynde street; Richard Stack, 35 Hale street; Harry B. Weinstein, 9 Hale street; Maurice Flax, 4 Wall street; Joseph Abrams, 38 North Anderson street; Simon Goldberg, 63 Milton street; Nathan N. Levines, 6 Ashland street; Harry E. Dubinsky, 11 Willard street; John F. Edelson, 13 Willard street; William Levy, 60 Leverett street; Louis Goldberg, 87 Leverett street; Isaac Levy, 24 Poplar; Sam Aronovitz, 78 Brighton street; Wilfred H. Cushing, 62 Brighton street; William H. Cuddy, 2 Bridge court; George Davis, Harry Allen, 30 Spring street; Hyman Lewis, 67 Allen street; Louis Goldstein, 68 Allen street; William J. Kelley, 387

Charles street; Louis Rosenstein, 19 Lowell street; Patrick J. Anglin, 15 Bowdoin street; Andrew H. Stewart, 4 Temple street; Martin A. Herman, 18 Chambers street.

JOSEPH A. CONRY,

By his attorney, CHARLES F. M. MALLEY.

MARCH 6, 1903.

Due and sufficient service of the original, of which the within is a copy, is hereby accepted as of March 4, 1903.

JOHN A. KELIHER,

By FRANCIS A. CAMPBELL,

JOHN B. MORAN,

Attorneys of record for said Keliher.

FEBRUARY 28, 1903.

JOSEPH H. BARNES, JR.,

Special Justice of East Boston District Court.

On behalf of Joseph A. Conry, contestant in a contested Congressional election case against John A. Keliher, returned member from the Ninth Massachusetts Congressional district, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court, on Meridian street, in East Boston, within said district, to the following-named witnesses, whose names and addresses are herewith submitted for attendance March 7, 1903.

Louis Sonnabend, 42 Lynde street; Richard Stack, 35 Hale street; Harry B. Weinstein, 9 Hale street; Maurice Flax, 4 Wall street; Joseph Abrams, 38 North Anderson street; Simon Goldberg, 6½ Milton street; Nathan N. Levines, 6 Ashland street; Harry E. Dubinsky, 11 Willard street; John F. Edelson, 13 Willard street; William Levy, 60 Leverett street; Louis Goldberg, 87 Leverett street; Isaac Levy, 24 Poplar street; Sam Aronovitz, 78 Brighton street; Wilfred H. Cushing, 62 Brighton street; William H. Cuddy, 2 Bridge court; George Davis, Harry Allen, 30 Spring street; Hyman Lewis, 67 Allen street; Louis Goldstein, 68 Allen street; William J. Kelley, 387 Charles street; Louis Rosenstein, 19 Lowell street; Patrick J. Anglin, 15 Bowdoin street; Andrew H. Stewart, 4 Temple street; Martin A. Herman, 18 Chambers street.

JOSEPH A. CONRY,

By his attorney, CHARLES F. M. MALLEY.

SIXTH DAY.

EAST BOSTON, *March 7, 1903.*

William B. Wright was sworn in as official stenographer, the oath being administered by Mr. Justice Barnes.

MR. MALLEY. I ask the court to produce the subpoenas for witnesses to be called here to-day. (Exhibit 114.) I have here also a notice to Mr. Keliher upon which service has been accepted by his counsel. (Exhibit 115.) I would like now to call the following witnesses, and to have them all sworn at the same time: Louis Sonnabend, Harry B. Weinstein, Maurice Flax, Joseph A. Brans, Simon Goldberg, Nathan M. Levins, John F. Edelstone, Louis Goldberg, Isaac Levy, Sam Aaronovitz, Wilfred H. Cushing, William H. Cuddy, George Davis, Harry Allen, Hyman Louis, William J. Kelly, Louis Rosenstein, Patrick J. Anglin, Martin A. Herman, and Harry E. Dubinsky.

These witnesses were sworn by Judge Barnes. The first witness called was William J. Kelly.

WILLIAM J. KELLY, sworn.

By MR. MALLEY:

Q. State your name, age, residence, and occupation.—A. William J. Kelly, 387 Charles street, 29 years old, occupation sheet-iron worker.

Q. Were you assessed and registered as a legal voter May 1, 1902?—A. Yes, sir.

Q. Upon what precinct list was your name, if you know?—A. I don't know exactly what precinct.

Q. What precinct did you vote in?—A. On the corner of Chambers and Charles streets.

Q. You did vote at the polling booth?—A. I did not vote at the State election.

Q. The place for you to vote was where?—A. On the corner of Chambers street near Charles.

Q. Now, at the State and Congressional election held November 4, 1902, did you vote?—A. No, sir.

Q. Do you know the precinct officers of your precinct?—A. No, sir.

Q. Do you know Simon Goldberg?—A. No, sir.

Q. Do you know Francis McCarty, jr., of 33 McLean street?—A. Yes, sir.

Q. Did he know you?—A. Yes, sir.

Q. Do you know Sam Aaronovitz, 78 Brighton street?—A. No, sir.

Q. Do you know Harry Allen, of Spring street?—A. No, sir.

Q. Do you know William J. O'Donnell, of 13 Myrtle street?—A. No, sir.

Q. Did you testify in a criminal proceeding brought against John H. Hines?—A. Yes, sir.

Q. Wherein he was charged with having voted on your name at the State and Congressional election?—A. Yes, sir.

Q. Held November 4, 1902?—A. Yes, sir.

There was no cross-examination.

MAURICE FLAX, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, place of birth, date, and your occupation?—A. Yes, sir; Maurice Flax, 4 Willard street, 22 or 23, 34 Wall street, ladies' tailor.

Q. How long have you been a Republican?—A. I have been a Republican ever since I am a voter.

Q. Did you ever vote at a Democratic caucus?—A. The first caucus, that is two years ago—that is a year ago—well, it was a year last city election.

Q. Did you ever vote at any other Democratic caucus?—A. No, sir.

Q. You voted as a Democrat at that caucus?—A. The first caucus a year ago last city election.

Q. When did you become a Republican?—A. Last year. After I was inspector I voted as a Republican.

Q. Did you vote at a Republican caucus?—A. Yes, sir; at the State election.

Q. How long have you been a precinct officer?—A. I was outside the precinct last year. I was a checker, and this year I was an officer.

Q. Where did you say you were born?—A. Russia.

Q. When did you come to America?—A. A long time ago.

Q. About how many years ago, Mr. Flax?—A. About eleven or twelve years ago; I can't make sure of it.

Q. Did you come here with your father?—A. My father was here and I come out to him.

Q. Were you naturalized yourself?—A. On my father's papers.

Q. Do you know when your father was naturalized?—A. I can't be sure of it; I don't know.

Q. What is your father's name?—A. Harris Flax.

Q. How did you happen to become a precinct officer?—A. The Republican ward committee chose me as one of them.

Q. Were you a precinct officer in precinct five at the State and Congressional election November 4, 1902?—A. Yes, sir; State and city both.

Q. You say the Republican ward committee appointed you?—A. Yes, sir; they chose me as an officer for them.

Q. Did you apply for the position of precinct officer?—A. Well, I did not.

Q. Did anybody speak to you about it before you were appointed?—A. No, sir; they sent me in a letter to come for it and I signed my name.

Q. Who sent you a letter?—A. The chairman of the ward committee.

Q. Who was that?—A. Mr. Goldberg.

Q. Did he come to your house?—A. No, sir; he wrote a letter that I should come to see him at his office on School street.

Q. You went to see him on School street?—A. Yes, sir.

Q. What place on School street?—A. William Berwin's office.

Q. William Berwin's office, what number is that?—A. It is 28 School street.

Q. How many Republicans are there in your precinct?—A. In my precinct?

Q. Yes.—A. Three.

Q. Three Republicans?—A. In the precinct where I voted, as officers.

Q. How many Republican voters were there there?—A. I don't know.

Q. As a precinct officer, have you any idea how many Republican votes were cast

at that election?—A. I can't say. I thought you asked how many officers there were.

Q. Did Goldberg give you any reason why he selected you to serve?—A. He just told me that he thinks I am honest enough to take the Republican place—to fill a position as a Republican.

Q. Describe the entire conversation you had with Mr. Goldberg when you went down there in response to his letter.—A. I had no conversation whatever. He just told me.

Q. What did you say when you went in there?—A. When?

Q. To Goldberg's, when you went in there?—A. As he applied for me?

Q. Yes.—A. I told him I accepted his offer.

Q. Did you know Goldberg before that time?—A. Yes; by sight.

Q. You did not know him to speak to?—A. Not very good; a little.

Q. Are you a member of the Hendricks Club?—A. No, sir.

Q. Ever been a member of the Hendricks Club?—A. Never.

Q. When you cast your Democratic vote were you a member of the Hendricks Club?—A. No, sir.

Q. Were you up in the Hendricks Club during the season you cast your Democratic vote?—A. No, sir; I just voted for the opposition party at that time.

Cross-examination by MR. CAMPBELL:

Q. You say your father was naturalized a great many years ago?—A. Yes, sir.

Q. About how many years, should you say?—A. I could not just say the year. I am not sure.

Q. A great many years ago?—A. Three or four years, I am sure, before I became a voter.

LOUIS ROSENSTEIN, sworn:

Q. State your name.—A. Louis Rosenstein. I live at 19 Lowell street; am 40 years old; occupation, poultry dealer.

Q. Where were you born?—A. Russia.

Q. What time did you come to America?—A. It is hard for me to remember. I guess about sixteen or seventeen years ago.

Q. Where were you naturalized?—A. Boston.

Q. About how long ago?—A. I guess five or six years.

Q. Five or six years?—A. Yes, sir.

Q. Have you ever voted in a Democratic caucus?—A. No, sir; not that I know of.

Q. You have never attended a Democratic caucus and voted at it?—A. No, sir.

Q. Have you ever been a member of the Hendricks Club?—A. No, sir.

Q. Ever been in the Hendricks Club?—A. I don't know where the Hendricks Club is.

Q. You live at 19 Lowell street, do you?—A. Yes, sir.

Q. How long have you lived there?—A. Oh, about a year and a half.

Q. Do you know the building at the corner of Lowell and Causeway streets?—A. I know the building.

Q. Opposite Nos. 1 and 3 Lowell street?—A. Yes, sir; I know the building.

Q. You know there is a political club there?—A. I don't know what they call it.

Q. You know there is a political club there?—A. I don't know whether it is a political or social club.

Q. You never heard of Martin Lomasney?—A. Oh, yes; I know him.

Q. You don't know that that is his headquarters?—A. No, sir.

Q. Have you ever heard of Martin Lomasney being connected with politics in your ward?—A. Yes; I knew that.

Q. Did you ever know that the Hendricks Club was Martin Lomasney, or know any member of the club?—A. I never did.

Q. If you don't know what it was, how did you know where it was?—A. You just asked me about this building. You said there was a certain building and you asked if I was up in that certain building.

Q. My question is, Were you ever up at the Hendricks Club?—A. No; I was not.

Q. Where is the club?—A. I don't know.

Q. Were you ever at any political organization's headquarters?—A. No, sir.

Q. How long have you been a voter?—A. Five or six years.

Q. Always voted in Ward 8?—A. Yes, sir.

Q. How long have you been a precinct officer?—A. Two years.

Q. When did you first become a precinct officer—at what election?—A. Two years ago I became a precinct officer.

Q. Who recommended you?—A. Well, I was—in fact, I recommended myself to the chairman of the ward committee and he put me on the paper.

Q. Who was that chairman?—A. Mr. Simon Goldberg.

Q. You asked him for the job as precinct officer?—A. Yes, sir.

Q. And he put your name on the paper and you got the appointment in that way?—A. Yes, sir.

Q. Do you know how many Republicans there are in precinct 1?—A. I think there are about three Republicans.

Q. Do you know how many Republican votes there are in precinct 1?—A. That is more than I can say.

Q. You don't know anything about it?—A. I don't know how many votes there are.

Q. Do you remember how many votes were cast at the State election?—A. I don't remember exactly how many there are.

Q. Do you know whether there were 150 votes cast, or 50?—A. Oh, there were more than that.

Q. There were more than 150 Republican votes?—A. I don't know about Republicans. You said "votes."

Q. Were there more than 150 Republican votes cast in precinct 1?—A. I don't know about that.

Q. Do you know whether there were more than 300 Republican votes cast in precinct 1?—A. I can't give you no figure, because I don't know.

Q. Did you assist in counting the ballots that day?—A. Yes, I did.

Q. And you have no other idea about the Republican votes?—A. I don't know how many there were.

Q. And yet you served as precinct officer?—A. Yes, sir.

Q. And you felt that you were strong enough to ask the chairman of the ward committee to appoint you an officer?—A. Yes.

Q. What is your business?—A. Poultry business.

Q. A slaughterer of poultry?—A. Yes, sir.

Q. You have to have a license to do your business, don't you?—A. Yes, sir—no, sir; it is a matter of permit from the board of health.

Q. Who recommended you to get it?—A. I went myself.

Q. Who went with you?—A. I went myself.

Q. Did Martin Lomasney or any member of the Hendricks Club go with you?—A. No, sir.

Q. Did William H. Cuddy or Daniel J. Kiley?—A. No, sir.

Q. You are sure about that?—A. Yes, sir.

Q. You did not ask anybody to help you to get a permit from the board of health?—A. No, sir; I did not.

Q. You counted all the ballots in that precinct, did you not?—A. Yes, sir; I did.

Q. You have served in that precinct for two years?—A. Not exactly in that precinct. Last year I was in precinct 4 and this year in precinct 1.

Q. You were transferred from precinct 4 to precinct 1?—A. Yes, sir.

Q. By whom?—A. By Mr. Goldberg.

Q. Not by the board of election commissioners?—A. Not that I know of.

Q. Who told you to go from precinct 4 back to 1 again?—A. He told me I would be appointed this year to precinct 1.

Q. Now, this is the first time you counted Republican ballots in precinct 1, and you counted all the ballots?—A. Yes, sir.

Q. And at the city election you served as a precinct officer?—A. Yes, sir.

Q. And counted all the ballots then?—A. Yes, sir.

Q. Have you any idea, Mr. Rosenstein, how many Republican votes there are in this precinct in which you have lived six or seven years and that you were an officer of twice?—A. I can't remember.

Q. Will you state that at the State and Congressional election on November 4, 1902, there were more or less than 300 ballots cast for the Republican candidate?—A. I don't know.

Q. You don't know one way or the other?—A. No, sir.

Q. You have no idea as to it?—A. No, sir.

No cross-examination.

JOHN F. EDELSTON, sworn:

Q. Will you state your name, age, residence, and occupation?—A. John F. Edleston, 13 Willard street; occupation, carriage driver. I don't remember exactly my age. I think I am around 24 or 25 years old.

Q. Were you born here?—A. No, sir.

- Q. Where were you born?—A. In Russia.
- Q. What age were you when you came to America?—A. About 10 years old.
- Q. Were you naturalized?—A. Yes, sir; here in Boston, about six or seven years ago.
- Q. How old did you say you were?—A. Five or six years ago—
- Q. How old did you say you were?—A. I think I am 24 or 25; I am not sure which.
- Q. How long ago were you naturalized?—A. I don't remember exactly how long ago.
- Q. Where were you naturalized?—A. Here in Boston.
- Q. In the post-office building?—A. Yes, sir.
- Q. Now, you have not any idea as to when you were naturalized?—A. I have not, sir.
- Q. When you were naturalized, were you naturalized under the name of John F. Edelston?—A. Yes.
- Q. When did you cast your first vote?—A. What do you mean; this last election?
- Q. The first vote at any time as an American citizen?—A. I don't remember, sir.
- Q. How many times do you remember having voted at a State election?—A. I don't remember how many times, sir.
- Q. Do you know whether it was more or less than six times?—A. It was less than six.
- Q. And less than five?—A. I don't know, sir.
- Q. Can you read and write?—A. Yes.
- Q. It was less than six, but you don't know how much less than six?—A. I don't know, sir.
- Q. Did you ever vote at a Democratic caucus?—A. No, sir.
- Q. Have you ever been a member of the Hendricks Club?—A. No, sir.
- Q. Ever been up at the Hendricks Club?—A. No, sir.
- Q. You know where it is, don't you?—A. No, sir.
- Q. What is your business?—A. Carriage driver.
- Q. You drive around the West End?—A. No, sir; I don't.
- Q. You have a headquarters in Ward 8?—A. Yes, sir.
- Q. Your business is to convey the public from one place to another?—A. Yes, sir.
- Q. And in that way you possess yourself of general information as to the city?—A. Yes, sir.
- Q. You don't know where the Hendricks Club is?—A. No, sir; I don't.
- Q. Where do you live?—A. At 13 Willard street.
- Q. By whose recommendation were you appointed precinct officer?—A. By Mr. Goldberg's.
- Q. When were you appointed?—A. At the last election.
- Q. That was the first time you served as a precinct officer, November 4, 1902?—A. Yes, sir; at the last election.
- Q. Where did you serve?—A. Precinct 1.
- Q. Did you serve with Louis Rosenstein?—A. Yes.
- Q. Have you any idea how many votes were cast?—A. No, sir.
- Q. Will you wait till I finish the question? How many votes were cast at the State and Congressional election on November 4, 1902?—A. No; I have not.
- Q. Have you no idea how many Republican votes were cast for the Republican Congressman November 4?—A. No, sir.
- Q. Do you know whether more than 300 were cast at the election?—A. I don't know.
- Q. You represented the Republican party at the precinct, didn't you?—A. Yes.
- Q. And you can't now say whether there were more or less than 300 ballots cast in precinct 1 for the Republican candidate?—A. I could not say.
- Q. Did you assist in counting the ballots?—A. Yes, sir.
- Q. Whether when you finished counting the ballots you knew—how many were there of you counting?—A. Well, there was two or three officers at times; I don't remember how many—two or three.
- Q. What time did you get through counting the ballots?—A. Well, I don't remember just exactly the time.
- Q. Who were the two or three precinct officers there when you got through?—A. I mean police officers.
- Q. Who were the precinct officers there when you got through?—A. I don't remember the names, but I remember Louis Rosenstein was there, I was there, and there was a man named Dubinsky, and an officer.
- Q. Who else?—A. I don't know their names.
- Q. Who were the Democratic precinct officers?—A. I did not know their names at the time—I do not know them now.

Q. How long did you serve at the booth that day?—A. How long?

Q. Yes.—A. I was there all day.

Q. From 6 in the morning until what time at night?—A. Until they closed up.

Q. What time was that?—A. I don't remember.

Q. Didn't you leave the booth at all?—A. Well, I went to dinner.

Q. How long were you away at dinner?—A. I wasn't away long; I guess about twenty-five minutes.

Q. How many men did you know personally in the precinct?—A. I don't know exactly how many; I could not tell you exactly, sir.

Q. Do you know Martin M. Lomasney?—A. I have seen him, but I don't know him.

Q. Do you know him?—A. Not to speak to.

Q. Was he at the precinct at all that day?—A. I have not seen him. I did not know him that day; I knew him afterwards. Some one showed him to me on the street.

Q. Up to that time you did not know who Martin Lomasney was?—A. No, sir; I heard speak of him.

Q. Did you know Simon Goldberg before you were appointed precinct officer?—A. Yes, sir.

Q. How long had you known him?—A. About four or five years.

Q. Did you ask him to have you appointed precinct officer?—A. He asked me if I wanted to serve as officer, and I told him yes, sir.

Q. Can you now tell what time of night you got through counting the ballots?—A. I could not, sir.

Q. About what time?—A. I don't know, sir.

Q. Can you give any idea as to the number of men you know in precinct 1?—A. I could not.

Q. Do you live in precinct 1?—A. Yes, sir; I do.

Q. Did you vote in precinct 1 that day?—A. Yes.

Q. What were your duties as precinct officer?—A. Well, my duty was when a voter came in he gave me his name—to take his name and address—and I looked it up in the book, and if I found his name and address I admitted him to vote.

Q. Did you make any comparison of the voter with the description in the book you had?—A. What do you mean by description? I don't understand.

Q. What else did you do?—A. I checked him off, and the other officer gave him one of the papers to vote on.

Q. Who was the other officer who gave it to him?—A. The Democrat standing beside me.

Q. You were the one that had charge of the book?—A. Sometimes I had charge of the book and sometimes of the papers.

Q. When you had charge of the book did you do anything else than take his name?—A. What do you mean?

Q. You did not look to see what the color of his hair was or how tall he was?—A. No, sir.

Q. You took no note of that at all, did you?—A. No, sir.

Q. Or of his personal appearance at all?—A. No, sir.

Q. How many men that passed by you that day did you know personally?—A. I could not tell you.

Q. How many did you say you knew in precinct 1?—A. I don't know.

Q. About how many do you think you knew?—A. I could not tell you.

Q. No idea at all?—A. I don't know.

Q. Did you know 25 voters in precinct 1?—A. I don't know.

Q. You don't know whether you know 25 voters in the district, do you?—A. I don't know.

The next witness whose name was called was Harry Dubinsky, but there was no response to the call. The next witness called was Wilfred H. Cushing.

WILFRED H. CUSHING, sworn.

Q. State your name, residence, and age.—A. Wilfred H. Cushing; 62 Brighton street; age, 44; occupation, marble worker.

Q. For whom do you work?—A. The American Soda Fountain Company.

Q. Where were you born?—A. Casenovia, Madison County, N. Y.

Q. At what precinct were you a precinct officer in Ward 8 at the last State and Congressional election, held November 4?—A. Precinct 2.

Q. You were a Republican officer there?—A. Yes, sir.

Q. How long did you serve as precinct officer in that precinct?—A. Six or eight years.

Q. Ever vote at a Democratic caucus in Ward 8?—A. No, sir; I was appointed through the recommendation of Mr. Goldberg.

No cross-examination.

The subpoena issued for Dubinsky was offered in evidence and marked Exhibit 116.

HARRY WEINSTEIN, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. Harry Weinstein; 9 Dale street; optician.

Q. Where is your place of business?—A. At present I am just picking up a trade. I started recently.

Q. You are not doing anything as an optician at present?—A. No.

Q. Were you a precinct officer of Ward 8 at the November election, 1902?—A. Yes.

Q. What precinct?—A. Two.

Q. How long did you serve as a precinct officer before that?—A. Two years.

Q. Did you ever vote at a Democratic caucus in Ward 8?—A. No, sir.

Q. Who recommended you as a precinct officer?—A. The chairman of the ward committee.

Q. Who was it?—A. Mr. Goldberg.

Q. Had you known him before?—A. I had.

Q. For a long time?—A. Quite a while.

Q. Do you know Martin Lomasney?—A. Yes.

Q. Know him personally?—A. By sight I do.

Q. Speak to him, don't you?—A. Yes, sir.

Q. Ever been in the Hendricks Club?—A. No, sir.

Q. Know where it is, do you?—A. I do.

Q. Ever been present there at all at any meetings?—A. No, sir.

Q. How many Republican votes are there in your precinct?—A. I can't tell exactly.

Q. What is your idea about it?—A. I don't remember exactly.

Q. Have you any knowledge as to that?—A. No; not much.

Q. Do you know whether there were more or less than 300 votes cast for the Republican candidate for Congress in your precinct?—A. I should say it was less than 300.

Q. How much less?—A. I could not say, because we had 500 in all, and the Democrats had the majority.

Q. Do you know how many votes were cast in your precinct for the Republican candidate for Congress?—A. No, sir.

Q. Have you any idea of it?—A. No, sir.

No cross-examination.

ISAAC LEVY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Isaac Levy, 34 McLean street, my present residence; voted from 24 Poplar street; my occupation, cigar maker; age 29.

Q. Where did you live on May 1, 1902?—A. At 24 Poplar street.

Q. How long did you live there?—A. From 19th of April of last year.

Q. Where did you live before that?—A. Before that at 24 Poplar street, and before that at 67 Brighton street.

Q. You are now at 34 McLean street?—A. Yes, sir.

Q. You were a precinct officer of Ward 8 at the State and Congressional election last November?—A. Yes, sir.

Q. In what precinct?—A. Two.

Q. Where were you born?—A. In Russia.

Q. When were you naturalized?—A. In 1896.

Q. Where?—A. Right here in Boston.

Q. How many years have you been a precinct officer?—A. Since 1898.

Q. Each time a Republican officer?—A. Yes, sir.

Q. Who recommended you for appointment in 1898?—A. Myself.

Q. Whom did you recommend yourself to?—A. I was at the ward committee at that time.

Q. On the Republican ward committee, you mean?—A. Yes, sir.

Q. Were you on the ward committee when you served as precinct officer?—A. I was.

Q. When did you cease to be on the ward committee?—A. Since we were defeated by William Berwin—that is, in 1901.

Q. You were defeated by William Berwin, were you?—A. Yes, sir.

Q. Simon Goldberg was of the Berwin faction, was he not?—A. He was.

Q. And you got appointed through Goldberg?—A. He came to me two years ago to go as precinct officer. I was a little bit surprised, but I told them all right. I would go on.

Q. You were recommended to the board of election commissioners by Lomasney, were you not?—A. I don't know about him, but the paper was brought to me by Moses F. Rubin, and he asked me if I wanted to continue as precinct officer.

Q. He is a Republican?—A. Yes, and a lawyer, and one of the new ward committee that was elected.

Q. Did you serve as a precinct officer at the State election?—A. I did.

Q. How many votes were cast in that precinct?—A. It received 150 to 160.

Q. I am talking of Congressional candidate—the Republican.—A. The Republican, I think, received ninety-odd votes.

Q. You were told that just now, were you not?—A. No, sir.

Q. You were told that in the court room just before you testified, were you not?—A. By who?

Q. Were you told to testify that by anybody?—A. I was not; I was giving my own knowledge.

No cross-examination.

There was no response when the name of Andrew Stewart was called. The subpoena for Stewart was offered in evidence and marked Exhibit 117.

HYMAN LOUIS, sworn.

By Mr. MALLEY:

Q. Your name, residence, age, and occupation?—A. Hyman Louis, 67 Allen street; occupation, general merchandise.

Q. Do you keep a store?—A. No, sir.

Q. Where were you born?—A. Russia.

Q. When were you naturalized?—A. A great many years ago.

Q. About how many?—A. I could not say exactly.

Q. Where?—A. In Boston, at the Federal building.

Q. Get your papers?—A. No, sir.

Q. No?—A. That is, I don't know where they are now.

Q. Under what name were you naturalized?—A. Hyman—I don't exactly remember now.

Q. Don't you know under what name you were naturalized?—A. I don't exactly remember.

Q. Were you ever naturalized?—A. I was.

Q. What is your name now?—A. Hyman Louis.

Q. What was your name when you were naturalized?—A. When I came to this country my father's name was Abraham Louis Kovinsky.

Q. Were you naturalized under the name of Hyman Kovinsky?—A. I was.

Q. How did you get the name of Louis?—A. We dropped the name of Kovinsky and took up the name of Louis.

Q. Did you have any proceedings in court?—A. No, sir; my brother did, and we all followed the same proceeding.

Q. You have not got your papers?—A. I looked for them.

Q. When did you last see them?—A. I never looked for them.

Q. Did you have them in 1895?—A. I could not say.

Q. Did you have them in 1896?—A. I could not say that.

Q. In 1897?—A. I could not say that.

Q. Did you have them since then?—A. I could not say that.

Q. Have you any idea when you last saw your naturalization papers?—A. I could not say.

Q. Who recommended you as a precinct officer?—A. Simon Goldberg.

Q. Did you know him?—A. Yes, sir; I do.

Q. For a long while?—A. A good many years.

Q. Do you know Martin Lomasney?—A. By sight.

Q. Know where the Hendricks Club is?—A. I do.

Q. Ever been up there?—A. No, sir.

Q. Have you a license? Do you require a license or permit in your business?—A. No; I do not.

Q. You have not any?—A. I have not.

Q. Are you married?—A. Yes, sir.

Q. Live with your family?—A. Yes, sir.

Q. At the address you gave, 67 Allen street?—A. I do, sir.

Q. What do you mean by "general merchandise"?—A. When I get an order for goods I sell on installments.

Q. Dry goods, carpets, etc.?—A. General merchandise.

Q. How many men do you know in that precinct?—A. Precinct 6?

Q. Yes. Did you serve in 6?—A. No, sir; I did not, but 3.

Q. You live in precinct 6?—A. I do.

Q. How long have you lived there?—A. If you will allow me to state, I have lived in Ward 8—

Q. How long in precinct 6?—A. It will be about four years now.

Q. How many times did you serve in precinct 3?—A. This is my second year. I served in 1901—

Q. How many voters do you know in precinct three?—A. I don't know that I know any.

Q. You don't know any voters?—A. No, sir.

Q. Did you check the list of names?—A. I did, sir.

Q. If a man came in and gave his name, that is all you did—you checked his name?—A. Well, if he came in and gave his name and it corresponded with the name and address, I checked his name.

By Mr. MORAN:

Q. You are a Republican, are you not?—A. I am a Republican.

GEORGE DAVIS, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. George Davis, 30 Spring street up to May 1; 42 Williams street, Chelsea, after that; clerk in a wine store.

Q. Where did you live before you lived at 30 Spring street?—A. At 32 Spring street.

Q. How long did you live there?—A. About a year and a half.

Q. When did you leave 30 Spring street to go to Chelsea?—A. After the city election in December.

Q. Where were you born?—A. Russia.

Q. When were you naturalized?—A. In September, 1900, down here at the Federal building.

Q. Were you assessed at the regular assessment?—A. Yes.

Q. How old are you?—A. I am 23 years and 10 months.

Q. Did you ever vote in a Democratic caucus?—A. No, sir.

Q. Who recommended you for appointment as a precinct officer?—A. Well, at the 1901 election, after William Levy was a candidate for common council, he was warden for precinct six, and he resigned to become a candidate for the common council, and Moses I. Rubin mentioned my name to Simon Goldberg, the chairman of the ward committee, and he spoke to me about it and put my name before the election commissioners, and I took that position for the city election when William Levy was candidate for the common council, and in the following year or so my good work in 1901 gave it to me again, being an honest Republican—

Q. You did good work in 1901?—A. Well, I protected the Republican party there. Everything was right for them.

Q. How many votes did the Republican candidate for Congress get in that precinct at the November election in 1902?—A. I don't know; I can't remember.

Q. What is your idea about it?—A. Oh, 'round 100 and something; I don't know how much; something like 100.

Q. How long have you been voting the Republican ticket?—A. Every year since I became a citizen.

Q. How many years is that?—A. This is the third election.

Q. Who got you naturalized?—A. I don't know.

Q. Who were your witnesses?—A. My witnesses?

Q. Yes.—A. One man; I don't remember his name.

Q. Do you remember the other one?—A. The other one?

Q. Yes.—A. If I remember, I think it was Mr. Stone.

Q. Who is Mr. Stone?—A. He is a Democrat, but I did not follow up his ideas and I became a Republican.

Q. Was the other fellow a Democrat or a Republican?—A. I don't know; I never asked him.

Q. What is Mr. Stone's first name?—A. Max Stone.

Q. What is his business?—A. I don't know.

Q. Did you know at that time?—A. No; I never knew his business. I have known him a good many years.

Q. Did he ask you to get naturalized?—A. No; I told him it was about time for me to become a citizen.

Q. You asked him to naturalize you?—A. Yes.

Q. You went to a Democrat to naturalize you?—A. No; I did not know if he was a Democrat or a Republican at that time.

No cross-examination.

LOUIS GOLDSTEIN, sworn.

By Mr. MALLEY:

Q. You did not answer to your name before, did you?—A. No, sir; I just came in. (At this point the oath was administered to the witness.)

Q. What is your name, age, residence, and occupation?—A. Louis Goldstein, 68 Allen street, bookkeeper.

Q. Where are you a bookkeeper?—A. The Hood Cloak Company, 186 Hanover street.

Q. Where were you born?—A. Russia.

Q. How old are you?—A. Twenty-seven.

Q. When were you naturalized?—A. About five years ago.

Q. Where, at the Federal building?—A. In Taunton, Mass.

Q. Taunton, Mass.?—A. Yes.

Q. Have you got your papers?—A. I have them at home, not with me.

Q. Were you naturalized under the name of Louis Goldstein?—A. Yes, sir.

Q. Ever vote at a Democratic caucus?—A. No, sir.

Q. Ever been a member of the Hendricks Club?—A. Was I ever a member?

Q. Yes.—A. No, sir.

Q. Have you ever been up there?—A. I had occasion to be up there once a short while ago.

Q. How long ago—last year?—A. No; a couple of months ago.

Q. Did you have occasion to go up there the last day or two, since you got the summons?—A. No, sir.

Q. It was two months ago, you say. What did you do there?—A. I belonged to a lodge and of the members we had a number and worked a degree, and before we went away we had a dance, and we were called up afterwards.

Q. Who were the other precinct officers that served with you in the last State election?—A. A fellow named Flax, Abrahams, and I have forgotten the other names.

Q. You don't know the other names?—A. I did know, but I have forgotten them.

Q. How many times did you serve as an officer in that precinct?—A. Only once.

Q. How many times in Ward 8 had you served in any capacity?—A. Three terms.

Q. Did you live in the precinct in which you served in the last State election?—A. Yes.

Q. How many men do you know in that precinct?—A. Quite a number.

Q. How many?—A. Quite a number; I never counted them.

Q. More than 25?—A. Yes, sir.

Q. Did you count the ballots?—A. Yes, sir.

Q. What time did you get through counting?—A. Well, not much after 4.

Q. Not much after 4 in the afternoon?—A. Just as soon as the balloting closed we counted them.

Q. What time did you get through counting them?—A. It did not take but a short time.

Q. About half an hour?—A. I guess less than that.

Q. You represented the Republican party in that precinct, did you not?—A. Yes, sir.

Q. How many votes did the Republican candidate for Congress get?—A. I don't remember.

Q. Was it more or less than 200?—A. It was more.

Q. More than 200 in that precinct?—A. I think it was.

No cross-examination.

SAM AARONOVITZ, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Sam Aaronovitz, 78 Brighton street; age, 29; occupation, tailor.

Q. Where?—A. At 23 Alden street.

Q. Journeymen tailor?—A. Yes, sir.

Q. Do you work for yourself?—A. No; I work for the boss.

Q. Where were you born?—A. Russia.

Q. Where naturalized and when?—A. In Boston, in the post-office building, about five years ago.

Q. Under the name Sam Aaronovitz?—A. Yes.

Q. Who were your witnesses?—A. I don't remember. I remember one is Stone, who lives in Ward 6.

Q. Max Stone?—A. No; Isaac Stone, I guess.

Q. Was he a Democrat?—A. I don't know what he was.

Q. Who was the other witness?—A. I don't remember. I don't know if he is in Boston or not.

Q. Did you ever get naturalized more than once?—A. No.

Q. And that was the chief event in your life, was it not, after coming to America?—A. Yes, sir; the first time.

Q. You remember the name of only one witness?—A. I remember one but not the other.

Q. Did you know the other fellow at the time?—A. Yes, sir.

Q. Got your papers now?—A. No.

Q. Where are they?—A. At home.

Q. Have you got them at home?—A. Yes.

Q. How much did you pay for getting out your papers?—A. Two dollars.

Q. Did you pay it?—A. Sure.

Q. Where did you get the money?—A. I made the money.

Q. Who recommended you for appointment as precinct officer?—A. Mr. Goldberg.

Q. Who is he?—A. He lives at 6 Margin street.

Q. What is his business?—A. I don't know.

Q. How did he recommend you for appointment?—A. I know him many years.

Q. Does he hold any office down there?—A. No, sir; I met him on the street. I knew him for a few years and I met him on the street, and he told me if I would accept the—

Q. How many years did you live in precinct 12?—A. Eight years.

Q. How many men do you know there?—A. Over 25 or 30.

Q. Now, did you check the names on the book as the voters came in?—A. I checked the book of the manager.

Q. When a voter came in all he had to do was to give his name?—A. Yes.

Q. And then you passed him in?—A. No, I asked his name and age.

Q. You are of Hebrew extraction, are you not?—A. Yes.

Q. A great many Hebrews in that precinct?—A. Yes.

Q. Do they all generally vote the Republican ticket?—A. I can't tell what kind of ticket they vote.

Q. All the men you know of those 25 or 30 Hebrews voted the Republican ticket?—A. Yes, sir.

Q. How many Republicans are there in the precinct?—A. More than 100, I guess.

Q. Well, how many?—A. What do you mean?

Q. How many votes of any party are there in the precinct altogether?—A. Altogether 625.

Q. At the last State and Congressional election how many votes were cast for the Republican candidate for Congressman?—A. More than 100.

Q. How much more than 100?—A. I can't say, but more than 100.

No cross-examination.

JOSEPH A. ABRAMS, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Joseph A. Abrams; at present I live at 96 Walnut street, Chelsea; painter by occupation.

Q. When did you move to Chelsea?—A. A little more than three months ago or something like that.

Q. On May 1, 1902, where did you live?—A. At 38 North Anderson street.

Q. Married man?—A. Yes, sir.

Q. Live with your wife, do you?—A. No, sir.

Q. Where did your wife live on May 1, 1902?—A. Newburyport.

Q. Were you there, at 38 North Anderson street, boarding?—A. My parents lived there.

Q. Where were you working at that time?—A. For E. C. Beck, 25 Gurney street, Roxbury crossing.

Q. Did you and your wife occupy the house May 1?—A. No, sir.

Q. Previous to that where did you last keep house?—A. At 96 Walnut street, Chelsea.

Q. How long previous to May 1, 1902, had you and your wife kept house together at 96 Walnut street, Chelsea?—A. Not at all. We were only married a short while.

Q. When were you married?—A. About four or five months ago.

Q. Were you a precinct officer representing the Republican party in Ward 8?—A. Yes.

Q. At the last State and Congressional election?—A. Yes, sir; in precinct 4.

Q. Who recommended you for appointment?—A. The Ward 8 committee.

Q. What one of the ward committee?—A. Mr. Goldberg.

Q. Did you know him?—A. Yes, sir.

Q. Know Martin Lomasney?—A. Yes, sir.

Q. Know him pretty well?—A. No, sir.

Q. Ever been up to the Hendricks Club?—A. No, sir.

Q. Never in your life?—A. No, sir.

Q. Do you know what the club is?—A. Yes, sir.

Q. What is it, if you know what it is?—A. It is a club, I suppose.

Q. A political organization?—A. I don't know whether it is a political organization or not.

Q. Where were you born?—A. Stockholm, Sweden.

Q. You are of Hebrew extraction?—A. Yes, sir.

Q. Where were you naturalized?—A. In Boston in 1896.

Q. Under the name of—A. Joseph Abrams.

Q. Who were the witnesses?—A. David Abrams and Fred Levins.

Q. Did you assist in counting the ballots in that precinct at the last State election?—A. Yes, sir.

Q. What time did you get through counting?—A. Somewhere between 10 and half past at night.

Q. How many Republican votes were cast for the candidate for Congressman in that precinct?—A. I don't remember exactly.

Q. About how many?—A. About 100.

Q. Had you ever served before as a precinct officer?—A. Yes, sir; once before.

Q. Recommended that time by Mr. Goldberg, too?—A. No, sir.

Q. By whom?—A. Mr. Moses I. F. Rubin.

No cross-examination.

HARRY ALLEN, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Harry Allen; I lived at that time at 30 Spring street; age, 25; occupation, clerk.

Q. Where were you born?—A. Russia.

Q. You are of Hebrew extraction, are you?—A. Yes, sir.

Q. When were you naturalized?—A. Four years ago in Boston, at the Federal Building.

Q. Who were the witnesses?—A. I could not remember who they were.

Q. Were your witnesses Republicans or Democrats?—A. Republicans, I think.

Q. Sure about that?—A. Yes; I am positive.

Q. Do you remember their names?—A. No; I could not state their names.

Q. They had known you for five years?—A. Yes.

Q. And for five years up to that time?—A. Yes. I have not seen them since.

Q. You ceased to have any relations after they had known you five years? Did they cease to know you?—A. I might run across them once in a while.

Q. Where did they live?—A. I can't tell that.

Q. Where did they live at that time? Give us the street.—A. I could not say.

Q. Can you not?—A. No; I could not say; I don't remember.

Q. In what business was either one of them?—A. That I could not say.

Q. Well, what kind of looking men were they?—A. It is such a long while I don't seem to recollect them.

Q. Are you sure they were men?—A. They could not be women.

Q. Why not? Have you any recollection about that?—A. No.

Q. Where do you reside now?—A. At 31 Poplar street, I live now.

Q. Where did you live before you moved to 31 Spring street?—A. At 77 Poplar street?

Q. Where did you live when you were naturalized?—A. I think at 77 Poplar street.

Q. How long have you lived at 30 Spring street this last time?—A. About a year and a half or two years.

Q. Married man?—A. Yes.

Q. Your wife live at 30 Spring street?—A. Yes, sir.

Q. Who recommended you for appointment as precinct officer?—A. No one. I happened to be in there just before the polls opened and the man did not show up, so they appointed me from the floor.

Q. Appointed you? Who did that?—A. Well, the warden, Mr. Goldberg.

Q. Describe what took place when you were put in as precinct officer there.—A. Well, as I happened to come in just about one or two minutes after they opened, and as the man did not happen to show up, they waited a little while, a minute or so, the warden said, "Well, we can't wait no longer; I want to put in a Republican," and I happened to be in there and some one called out my name, shouted out "Harry Allen," and I was put in.

Q. Who was it shouted out to put up Harry Allen?—A. I could not say.

Q. Had you been identified with the Republican party before that? How did they know you were a Republican?—A. How did they know I was a Republican? I guess they did.

Q. How did you signify that you belonged to the Republican party?—A. I could not say.

Q. Have you ever voted in a Democratic caucus in Ward 8?—A. No, sir.

Q. Never?—A. No, sir.

Q. Who told you to report at 6 o'clock in the morning?—A. No one.

Q. You went in there to vote, did you?—A. No; I don't vote there, but at precinct 4.

Q. How did you happen to be around there just at 6 o'clock in the morning at a precinct you don't vote in?—A. I generally do go up at about that time.

Q. What made you go to the booth, to the polling place?—A. Nobody was at home, and I took a stroll.

Q. Did you go to the place in order to vote?—A. No, sir.

Q. How did you happen to be in the place at just this time?—A. I don't know.

Q. You had been happening to go there?—A. No, sir.

Q. You had been tipped off to go to Blossom street, had you not?—A. No, sir; I can't say why I went up there. I went over there to look at things.

Q. Why can't you say why you went?—A. Because I can't say.

Q. How many voters did you know in that precinct?—A. Well, I have known a lot of them.

Q. About how many in that precinct?—A. How many voters, Republicans and Democrats together?

Q. Yes?—A. Oh, a few hundred.

Q. Did you ever serve before as a precinct officer anywhere?—A. Yes; in the same precinct, two years ago.

Q. Had you lived in that precinct at that time?—A. Yes.

Q. Did you receive any instruction as to the duties of a precinct officer before that?—A. I think at the time I was appointed I had.

Q. From whom?—A. That is the time I saw Mr. Goldberg the last time; I don't remember who was warden.

Q. Do you know why it was you were not appointed after the first year you served in that precinct?—A. That was 1901, I think, the first time I served.

Q. Then you served there just a year previous to 1902, didn't you?—A. No; I did not.

Q. Let us see. You served as precinct officer in 1902?—A. Yes, sir; this last election.

Q. And now you served as precinct officer in 1901, did you not?—A. Yes.

Q. How did you happen to be appointed that time as precinct officer?—A. The same luck happened to me; I happened to be round there.

Q. Why were you not appointed in 1901?—A. I don't know.

Q. Who was appointed in your place at that time?—A. No one; I served in some one else's place.

Q. Who took the place that you served in in 1902?—A. I don't know his name.

Q. Whose place did you take?—A. A Republican's place.

Q. What is his name?—A. I could not state.

Q. Did you ever learn his name, that day or since?—A. No; I never cared to learn, didn't bother about it.

Q. You counted ballots there with the other officers?—A. Yes.

Q. What time did you get through counting?—A. I think about 9 o'clock.

Cross-examination by Mr. MORAN:

Q. By the way, as a Republican, you could see?—A. Yes, sir.

Q. And kept awake all day?—A. Yes, sir.

Q. And not put asleep by the Democratic majority that day?—A. No, sir.

NATHAN LEVINS, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Nathan Levins, 29 years old, 6 Ashland street, student.

Q. Where?—A. Medical student, Tufts Medical School.

Q. Where were you born?—A. Russia.

Q. Been naturalized?—A. Yes.

Q. When and where?—A. I believe in 1896, in Boston, at the post-office building.

Q. Who were your witnesses?—A. I can't recollect.

Q. Who suggested that you be naturalized that year?—A. They knew I became of age, so I knew it was time for me to be naturalized.

Q. Then did you go and get two witnesses to go up with you?—A. I did get two friends of mine; one is Weinstein.

Q. What is his first name?—A. Louis H.

Q. Did he testify here to-day?—A. No, sir.

Q. Well?—A. The next one was named Ross; he lives in New York now.

Q. Who recommended you for appointment as precinct officer?—A. Well, I received a postal card from Mr. Rubin, 28 School street.

Q. Who recommended you?—A. I don't know.

Q. Did you apply for the position?—A. No, sir.

Q. Had you ever served as precinct officer before?—A. Well, this was my second year.

Q. Who recommended you the first time?—A. I don't know; I know I received a postal card from Mr. Rubin to come and sign a paper.

Q. Did anyone ask you to serve as precinct officer before?—A. No, sir.

Q. How many men had you in the precinct?—A. Quite a number.

Q. How many?—A. I should say 40 to 50 there.

Q. All Hebrews that you know?—A. Yes, sir.

Q. You are of Hebrew extraction?—A. Yes, sir.

Q. How many votes were cast in that precinct altogether?—A. Both parties and everything, something around 600—about that.

Q. How many votes were cast for the Republican candidate for Congress?—A. I can't tell.

Q. More than 300?—A. Oh, no; less than that.

Q. How much less?—A. I should say less than 200.

Q. How much less than 200?—A. I can't say.

Q. All you know is that you were a Republican precinct officer, put there to count the ballots?—A. Yes, sir.

Q. What time did you get through counting?—A. I should say around 10 o'clock.

Cross-examination by Mr. MORAN:

Q. By the way, this man Rubin that you refer to is a Republican and also a leader of Republican politics?—A. Well, I found out afterwards.

WILLIAM LEVY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. William Levy; born June 6, 1878; residence, 60 Leverett street; occupation, tailor.

Q. Where were you born?—A. New York City.

Q. Where did you cast your first vote?—A. Ward 11, precinct 1.

Q. Did you ever vote at the Democratic caucus in Ward 8?—A. No, sir.

Q. Did you ever vote at a Democratic caucus in the city of Boston?—A. No, sir.

Q. Who recommended you for appointment as precinct officer?—A. No one.

Q. How were you appointed?—A. I know Mr. William Berwin.

Q. Does he live in Ward 8?—A. I don't know whether he lives in Ward 8 or not, but I know that he was leader of the ward.

Q. How did you first learn that you were appointed a precinct officer?—A. I went up and asked for the position myself.

Q. Whom did you ask?—A. Mr. Berwin.

Q. And subsequently you were appointed?—A. Yes.

Q. You served as precinct officer at the last State election?—A. Not as a precinct officer; served as inspector.

Q. How many men have you known in the district?—A. Well, I think I have known from one to a hundred.

Q. Was it 2 or 99?—A. It might be 99 and it might be 2.

Q. What is that? I asked you the number of men you knew there.—A. I just said from one to a hundred.

Q. Can you get it any nearer?—A. No; that is a rough estimate, as near as I can give it.

Q. You are not sure that you know more than one man in the precinct?—A. Yes; I knew more than one man.

Q. How many more than one man did you know?—A. I knew the clerk—I went to school with him a stone's throw from there—and I ought to know more than one.

Q. Answer the question. How many men did you know in the precinct, how many voters?—A. Well, I have said I knew from one to a hundred.

Q. Well, now, be more specific. I require a more definite answer?—A. That is the best I can do for you.

Q. Now, do I understand from that answer that you are not sure you know more than one, and you are not sure that you know more than a hundred?—A. I might be sure of that.

Q. Do you know 25 men in that district?—A. I might.

Q. Well, do you?—A. Yep.

Q. What was that answer, "yep"?—A. Yes, sir.

Q. Did you undergo any examination for appointment as precinct officer?—A. No, sir.

Q. Did you receive any instruction as to the duties of a precinct officer?—A. Yes, sir.

Q. From whom?—A. From the election commissioners.

Q. When?—A. Well, previous—that is, when I went up to be sworn in I got my instruction book.

Q. How many times did you serve as precinct officer in that precinct?—A. A year previous to last year I served as warden, and last year as inspector.

Q. Representing what party as warden?—A. The Republican party.

Q. Been a Republican all your life?—A. Yes, sir.

Q. How many votes were cast for the Republican candidate for Congressman in that precinct, which is precinct 1, at the State-Congressional election?—A. I am not positive, but I will say about 90.

Q. You still give your answer as to how many men you know in the precinct, that you know from one to a hundred, do you?—A. Yes, sir.

Q. You can not be any more specific than that?—A. I am not positive of the exact amount, but from one to a hundred.

Q. Did you ever take an examination as to your intelligence as a precinct officer?—A. No, sir.

Cross-examination by Mr. MORAN:

Q. This William Berwin you have mentioned is ex-Alderman Berwin?—A. Yes, sir.

Q. And he was elected as a Republican alderman?—A. Yes, sir.

Q. And he is a Republican leader in the city of Boston?—A. Well; I suppose so.

Q. One of the prominent leaders of the Republican party and a reputable man, isn't he?—A. I suppose he is.

By Mr. MALLEY:

Q. Are you doubtful on that matter?—A. Well; I am not doubtful. I know that he is a reputable man, for that. I don't know anything against him.

LOUIS GOLDBERG, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation?—A. Louis Goldberg, 35 years, electrician, 109 Leverett street.

Q. Where did you learn the business of electrician?—A. At the Boston Electric Company.

Q. Where do you work now?—A. At the Boston Electric Company.

Q. Where were you born?—A. Russia.

Q. When and where were you naturalized?—A. About two years ago.

Q. Who were your witnesses?—A. I don't remember.

Q. Did you know them at the time?—A. Yes, sir.

Q. Were they Republicans or Democrats?—A. Democrats.

Q. Where did they live?—A. I don't know.

Q. How long have you been a voter?—A. Since I was naturalized.

Q. Voted twice since, or voted two successive years since?—A. Three times I voted.

Q. Those were on different days, were they not?—A. Yes, sir.

Q. Who recommended you for appointment as precinct officer?—A. The chairman of the Republican ward committee.

Q. You were naturalized with two Democrats as your witnesses?—A. Yes.

Q. They asked you to come up and be naturalized, didn't they?—A. No, sir; I asked them.

Q. Now, can you think a while and give me their names?—A. I can't think of them; I know them, but I can't remember their names.

Q. Did you apply for the position?—A. Yes, sir.

Q. You asked Mr. Goldberg for the job?—A. Yes, sir.

Q. Is he your brother?—A. No, sir.

Q. A relative of yours?—A. No, sir.

Q. You are of Hebrew extraction?—A. Yes, sir.

Q. How many times have you served as a precinct officer?—A. The first time.

Q. What?—A. The first time.

Q. Did you receive any instruction as to your duties as precinct officer?—A. Yes, sir.

Q. From whom?—A. From the board of election commissioners.

Q. Did you count the ballots that day?—A. Yes.

Q. How many votes did the Republican candidate for Congressman get?—A. I don't know.

Q. More than 300?—A. I don't know.

Q. Less than 300?—A. I can't say.

Q. Have you not any recollection about it?—A. No, sir.

Q. Were you there in the interest of the Republican party that day?—A. Yes, sir.

Q. Don't you know how many votes the candidate of your party got?—A. No, sir.

Q. You did not know then?—A. I did know then, but I can't remember since.

Q. You don't remember?—A. Can't remember.

Q. Do you know how many votes the Democrat got there?—A. No, sir.

Q. Do you know why you were appointed precinct officer?—A. Why?

Q. Yes.—A. Because I applied for it. I knew Mr. Goldberg.

Q. Were you examined as to your memory when you were appointed?—A. What do you mean?

Q. Do you know who the Republican candidates were that day?—A. Yes, sir.

Q. Who was the Republican candidate for Congress?—A. Witt.

Q. What is his full name, if you know?—A. I don't know his full name now; I knew then.

Q. Are you sure Mr. Witt was the candidate?—A. I suppose so.

Q. Are you sure of it?—A. Yes, sir.

Q. Who was the Republican candidate for senator?—A. I don't remember all the candidates.

Q. Who was the Republican candidate for lieutenant-governor?—A. The same who is elected.

Q. Who is that, Mr. Goldberg? Do you know who is lieutenant-governor of this State?—A. I can't think just at present. I knew.

Q. Do you know who is governor of this State?—A. Yes, sir.

Q. Who?—A. Mr. Bates.

Q. What is his full name—the governor of this State?—A. I don't know his first name.

Q. Did you know at that time?—A. Yes, sir.

Q. You don't know who is lieutenant-governor of the State?—A. I can't think at present.

Q. You don't know who was Republican candidate for lieutenant-governor?—A. The same who is elected.

Q. Who was the candidate for lieutenant-governor on the Democratic ticket?—A. I don't know.

Q. Who were the Republican candidates for the legislature in your ward?—A. I don't remember.

Q. You knew who the Democrats were?—A. Yes, sir.

Q. You never heard of Dan Kiley in your ward?—A. Yes, sir.

Q. Do you know whether he was a Democrat or a Republican?—A. I don't know.

Q. You don't know?—A. No, sir.

Q. So if he came along and asked you to do something, you would not know whether he was the Republican candidate or the Democratic?—A. If anyone asked me to do what is right I would do it, Republican or Democrat.

Q. Did you ever vote the Democratic ticket?—A. Yes.

Q. When?—A. I don't know.

Q. That was the year before last, was it not?—A. Yes, sir.

Q. Was that a sort of mark of respect and gratitude to the two Democratic witnesses who naturalized you?—A. No, sir.

Q. The first year that you joined the Republican party you immediately became a precinct officer?—A. Yes, sir.

Q. Did you say you were born in Russia?—A. Yes, sir.

Mr. Malley called for Richard Stack, who, not responding, was declared absent, and the subpoena for him was offered in evidence and marked "Exhibit 118."

MARTIN A. HERNAN, sworn.

By Mr. MALLEY.

Q. What is your name?—A. Martin A. Hernan.

Q. Age?—A. Thirty-one.

Q. Residence?—A. No. 43 McLean street.

Q. Business?—A. Inspector.

Q. For whom?—A. The city of Boston.

Q. What department?—A. Sanitary inspector.

Q. How long have you been inspector?—A. Since 1898.

Q. How long in the employ of the city?—A. Since February, 1897.

Q. Where did you live May 1, 1902?—A. At 18 Chambers street.

Q. How long did you live at 18 Chambers street?—A. I first went to room there in March, 1901.

Q. Had you ever roomed there before?—A. Not previous to March 1, 1901.

Q. How long did you room in Chambers street?—A. I had a room there until the 1st of July, 1902. Then the proprietor removed to 30 Hancock street.

Q. You moved with them?—A. Yes, sir; I retained a room.

Q. Who did you live with?—A. Mr. and Mrs. McNeil.

Q. Are you married?—A. No, sir; single.

Q. Father and mother alive?—A. No, sir; both dead.

Q. After that where did you live—after living at Hancock street?—A. At 43 McLean street.

Q. And have lived there ever since?—A. Yes, sir.

Q. How did you happen to be registered as at Minot street, Neponset? Do you live there?—A. No, sir; that is my sister.

Q. You never lived there?—A. No, sir.

Q. Are you acquainted in Neponset?—A. Yes, sir.

Q. How do you happen to be around the streets there nights?—A. What do you mean? I am very little acquainted there.

Q. You have been living there, have you not?—A. I have been out there. My sister lives there.

Q. But going and sleeping there and going home there?—A. My sister lives out there.

Q. Do you know how you happened to get set down in the city directory as living at 83 Minot street?—A. No; unless my sister gave my name.

Q. That is your home, is it not?—A. I don't claim it to be.

Q. Your sister claimed it as your home to the directory man, didn't she?—A. I don't know.

Q. Did you serve as a precinct officer in Ward 8?—A. I did.

Q. In what precinct?—A. Precinct 6.

Q. You were a Democratic precinct officer?—A. I was; yes.

Q. How many times did you serve in Ward 8 as a precinct officer?—A. I have never served in Ward 8.

Q. Where did you serve?—A. In old Ward 9, before the ward lines were changed.

Q. What year was that?—A. In 1892, 1893, 1894, and 1895.

Q. You were in the employ of the city of Boston at the time you served as precinct officer, were you?—A. I was; sir.

Q. And you had received your employment in the city of Boston through the recommendation and influence of Martin Lomasney, had you not?—A. No, sir; I had not.

Q. To whose recommendation and influence?—A. I was on the ward committee at the time of the appointment.

Q. You did serve as a precinct officer?—A. I went up and offered to work in the precinct, and there was a vacancy in the position of warden. The warden had been taken sick.

Q. What time of day was that?—A. Noon time. I had just finished my morning's work, finished up my report, and I went up to vote.

Q. Did he get sick just as you came along?—A. I don't know, sir. He was not there when I arrived.

Q. Who asked you to serve there?—A. Mr. Cuddy and two or three others.

Q. William H. Cuddy?—A. Yes, sir.

Q. What position does he occupy in the political organization of Ward 8?—A. I don't know as he is an officer.

Q. Was he precinct officer that day?—A. He was not.

Q. Did you tell him that you were employed by the city and could not serve?—A. I don't know as there is any law against it.

Q. Did you tell him you were employed by the city and could not serve? Yes or no.—A. I did not; no.

Q. Did you ask permission from the head of your department to work there?—A. I did not.

Q. You received pay for that work from the city of Boston, did you not?—A. I finished my work.

Q. You received pay for that work from the city, didn't you?—A. Yes, sir.

Q. Are you a member of the Hendricks Club?—A. I am.

Q. And Mr. Cuddy has headquarters there?—A. Yes.

Q. That is a Democratic political organization of Ward 8?—A. Yes; a political organization.

Q. And Martin M. Lomasney is the head of that organization, is he not?—A. No; I don't know that he is.

Q. He is the president, the head of it, is he not?—A. I don't know as he is president.

Q. How long have you been a member?—A. About two years.

Q. What is Mr. Lomasney's position there?—A. I think he is financial secretary.

Q. And treasurer?—A. Yes, sir.

Q. To whom do you pay your dues?—A. Martin Lomasney.

Q. How many people were round the polling booth when you were elected to serve?—A. Might have been a dozen.

Q. What precinct was that?—A. Six, corner of Parkman and Blossom streets.

Q. Were you picked out for any particular skill in Ward 8?—A. Not Ward 8.

Q. Did you show particular skill in Ward 11?—A. I proved pretty efficient, I think.

Q. For the Democratic party?—A. Yes, sir; I was there in the interest of the Democratic party.

Cross-examination by Mr. MORAN:

Q. You were appointed inspector in 1897?—A. I was appointed messenger in 1897 and appointed inspector, I think, in July or August, 1898.

Q. The Hon. Josiah Quincy was then there?—A. He was.

Q. You were in Ward 11?—A. Yes, sir.

Q. That is not the ward that Martin Lomasney lives in, is it?—A. No, sir.

Q. The Hon. Josiah Quincy lived in that ward, didn't he?—A. Yes, sir.

Q. And Hon. William A. Gaston lived in that ward?—A. Yes, sir.

Q. And Hon. Richard Olney, who was a member of President Cleveland's Cabinet, also lived in that ward?—A. Yes, sir.

Q. So that you lived in a respectable ward and had respectable political associates at that time, hadn't you?—A. Yes, sir.

Redirect by Mr. MALLEY:

Q. Did Mr. Gaston live in Ward 11 at the time you say you lived there?—A. I believe he did.

Q. You swore that he did, didn't you?—A. I am not sure.

Q. On reflection, don't you know that Mr. Gaston lived in Roxbury at that time?—A. I am not sure.

Q. What room did you occupy on May 1, 1902?—A. On Chambers street—the third floor front room.

Q. What did you pay per week for that room?—A. Three dollars.

Q. To whom?—A. Mrs. McNeil.

Q. Is she living now there?—A. Oh, no; they are at 30 Hancock street.

Q. Did she remove to 38 McLean street?—A. No, sir.

Q. She is now living at 30 Hancock street?—A. Yes, sir.

LOUIS SONNABEND, sworn.

By Mr. MALLEY:

Q. Your name, age, residence, and occupation?—A. Louis Sonnabend; 42 Lynde street; born in 1863; from Austria; watchmaker.

- Q. You are of Hebrew extraction?—A. Yes, sir.
- Q. When were you naturalized?—A. In 1886.
- Q. Who were your witnesses?—A. One is Martin F. Leflovitz; the other one, I believe—I would not say for sure—is Mr. Newman.
- Q. You are a Democrat?—A. Yes, sir.
- Q. A member of the Hendricks Club?—A. Yes, sir.
- Q. Do you know the Republican precinct officers of Ward 8?—A. No, sir.
- Q. Do you know Louis Rosenstein, of 19 Lowell street?—A. Yes, sir.
- Q. Do you know John F. Edelman, of 30 Willard street?—A. Yes, sir.
- Q. Do you know Harry Dubinsky, of 11 Willard street?—A. No, sir; not personally.
- Q. You don't?—A. No, sir.
- Q. Do you know a man named Wilfred H. Cushing, of Brighton street?—A. No, sir.
- Q. Do you know Isaac Levy?—A. Yes, sir.
- Q. Do you know Harry D. Weinstein, of 9 Hale street?—A. Yes, sir.
- Q. They are all friends of yours, are they?—A. I know them.
- Q. Do you know Hyman Lewis, of 67 Allen street?—A. Yes, sir.
- Q. Do you trade with him?—A. Yes, sir.
- Q. A friend of yours, is he not?—A. Yes, sir.
- Q. Do you know George Davis, of 30 Spring street?—A. No, sir.
- Q. Do you know Andrew H. Stuart?—A. No, sir.
- Q. Do you know Louis Weinstein, of 68 Allen street?—A. By sight; yes, sir.
- Q. Do you know Maurice Flax?—A. No, sir.
- Q. Do you know Joseph Abrams, of 30 North Anderson street?—A. Yes, sir.
- Q. Do you know Simon Goldberg, chairman of the Republican ward committee of Ward 8?—A. Yes, sir.
- Q. Do you know Sam Aaronovitz, of 78 Brighton street?—A. No, sir.
- Q. Do you know Harry Allen, of 30 Spring street?—A. By sight.
- Q. Never knew him to talk with?—A. No, sir.
- Q. You did not talk with him in this room?—A. No, sir.
- Q. Do you know Nathan Levins, 6 Ashland street?—A. By sight.
- Q. Do you know William Goldberg?—A. I know him.
- Q. Do business with him?—A. Yes, sir.
- Q. Do you know John Edward Kane, of 1 and 3 Lowell street?—A. No, sir.
- Q. Do you know John King, of 1 and 3 Lowell street?—A. I have not seen him lately.
- Q. You saw him the week before last, did you not, in the superior criminal court?—A. Yes, sir.
- Q. You sat on the jury which considered his case, did you not?—A. Yes, sir.
- Q. The man was tried as John King there, and was the man who runs 1 and 3 Lowell street?—A. He was tried as the man.
- Q. His other name is Edward J. Kane, is it not?—A. I don't know.
- Q. You don't know?—A. No, sir.
- Q. How long have you been a member of the Hendricks Club?—A. About eight years.
- Q. Mr. Martin Lomasney is the head and front of the Hendricks Club, is he not?—A. He is not the president now.
- Q. He is the whole business, is he not?—A. We have different officers.
- Q. Will you say that Martin Lomasney is not the whole Hendricks Club?—A. No, sir; he is the head one.
- Q. The real head of the club, is he not?—A. The real leader of the club.
- Q. You have been a Democratic councilman, have you?—A. Yes, sir.
- Q. And your candidacy was set up and espoused by him, was it not?—A. No, sir.
- Q. In your campaign as councilman didn't you have occasion to meet Edward J. Kane?—A. No, sir.
- Q. You never had occasion to enlist his support?—A. No, sir.
- Q. Did you see him over at the Hendricks Club rooms?—A. No, sir.
- Q. Is he a member of the Hendricks Club?—A. No, sir.
- Q. You know that he is not?—A. I am quite positive, as far as I know.
- Q. Do you know the rooms 1 and 3 Lowell street?—A. No, sir.
- Q. Do you know where they are?—A. I know the outside part. I never was inside.
- Q. Do you know how many men are registered from there?—A. No, I don't.
- Q. You never knew how many men were assessed from there?—A. I knew of the talk.
- Q. You knew how many were registered from there?—A. No, sir.
- Q. Are you not enough in politics to know that? Are you not active in them?—A. I take part.

Q. Are you not particularly active in precincts 1 and 2?—A. No, not in 1, but in precinct 2.

Q. You did not have anything to do with precinct 1 at all?—A. No, sir.

Q. You were on the jury that sat on John Kane's case, were you not?—A. Yes, sir.

Q. How many from Ward 8 sat on the jury?—A. I don't know of any.

Q. Did Harrington of Ward 8 sit on that jury?—A. I don't know the fact.

Q. Now, you sat on that jury, and back of counsel for John King sat Martin Lomasney, the leader of the ward, didn't he?—A. Yes, sir.

Q. The finding was "not guilty," was it not?—A. Yes, sir.

Cross-examination by Mr. MORAN:

Q. There were twelve jurymen on that jury, were there not?—A. Yes, sir.

Q. And they consisted of all classes of men belonging to various political parties?—A. Yes, sir.

Q. And they all agreed that the man was not guilty?—A. Yes, sir.

Q. And the verdict was rendered by each and every one of you upon the evidence in the case under the judge's instruction as to what the law was?—A. Yes, sir.

By Mr. MALLEY:

Q. How did you know that they were of various political faiths on that jury? Did you talk politics when settling up the case of John King in the jury room?

Mr. MORAN. To that I object.

Q. How did you know that they were men of different political allegiance in that jury?—A. Well, I sat with the men for sixteen days, and we learned one another's friendship and talked methods, and that is the way we found out.

PATRICK J. ANGLIN, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Patrick J. Anglin; present residence, 49 Auburn street; age, 25; employed as driver in the street department, city of Boston.

Q. In Ward 8, is 38 Auburn street?—A. Yes, sir.

Q. Did you vote at the State election, November 4, 1902, in Ward 8?—A. Yes, sir.

Q. From what address?—A. From 15 Bowdoin street.

Q. On May 1, 1902, did you live there?—A. Yes, sir.

Q. Where were you born?—A. Cambridge.

Q. When?—A. Twenty-five years ago.

Q. What is the date of your birth?—A. The 17th of March.

Q. Brought up in Cambridge?—A. Yes, sir.

Q. With your folks?—A. Folks.

Q. Where did you last live in Cambridge?—A. At 37 Putnam avenue.

Q. With your folks?—A. Yes, sir.

Q. Do your folks live there now?—A. My sisters and brothers; my father and mother are both dead.

Q. What did you do in Cambridge?—A. Worked on a milk team with my brother.

Q. When did you last live in Cambridge?—A. In 1901.

Q. Where did you go to live in March, 1901?—A. I went to 15 Bowdoin street, Boston.

Q. How long did you live at 15 Bowdoin street?—A. Up to October.

Q. You lived there from March, 1901?—A. Yes, sir.

Q. You took your meals there?—A. No, sir.

Q. What is the name of the lady that ran the house?—A. The first one was Mrs. Mills, where I took my meals.

Q. Where does the landlady live now?—A. I don't know; I don't live there now.

Q. You moved from 15 Bowdoin street to 49 Auburn street?—A. No, sir; from 17 Bowdoin street. Mrs. Simpson lived at 15 Bowdoin street, and from there I went to Auburn street.

Q. Ever been married?—A. No, sir.

Q. Never married?—A. No, sir.

Q. Do you know a man named Milton Paige?—A. Yes, sir.

Q. Did you ever do any political work for him?—A. No, sir.

Q. Never did any work for Milton Paige in the last three years?—A. No, sir.

Q. How did you happen to know him?—A. He is in the book business and so is my brother.

Q. You know a great many young men over in Cambridge, don't you?—A. I do; quite a number.

Q. When did you first go to work for the city of Boston?—A. I think, in June, 1901.

- Q. You moved over in March, 1901?—A. Yes, sir.
- Q. Who put you to work?—A. A man named Dowd.
- Q. Who is he?—A. He worked in the public buildings department.
- Q. What was his office there?—A. I think he was employed as janitor.
- Q. How did you get appointed?—A. He got me appointed, and I went to work for the city.
- Q. From what ward did you come?—A. I was not registered at all, but was living at 15 Bowdoin street.
- Q. Did you vote at the State election of 1901?—A. No, sir.
- Q. Then you were not a voter at all of the city of Boston?—A. No, sir.
- Q. You had been a resident since March?—A. Yes, sir.
- Q. To whom did you make application for appointment?—A. To nobody.
- Q. To whom did you make application in the city of Boston when you went to work in 1901?—A. To nobody.
- Q. How did they happen to know you were in the ward and wanted work?—A. I had a friend, John Dowd, there.
- Q. Is he a civil-service man?—A. I am now.
- Q. Were you then?—A. No, sir.
- Q. What did you get a week?—A. Fifteen dollars.
- Q. What were your duties?—A. Assistant janitor.
- Q. Who was chief of the department at that time?—A. Milton C. Paige.
- Q. Did you see him when you were appointed?—A. No, sir, Mr. Dowd.
- Q. Before that had Paige been a candidate for any elective office?—A. Not to my knowledge.
- Q. Did you do any political work for Thomas N. Hart in his last candidacy?—A. No, sir.
- Q. Did you receive any money from the Republican party or from Milton C. Paige?—A. No, sir.
- Q. Or from Thomas Dowd, your Republican friend?—A. No, sir.
- Q. Or from Thomas N. Hart?—A. No, sir.
- Q. You are now employed as driver in the street-cleaning department?—A. Yes, sir.
- Q. Whom do you drive?—A. Horses.
- Q. What kind of a team?—A. Sometimes carriage and sometimes a team or wagon.
- Q. Do you understand the difference between a driver and a teamster on the civil-service list?—A. Yes, sir.
- Q. What were you rated at?—A. As driver and breaker of horses.
- Q. Did you drive for any of the heads of departments then?—A. No, sir.
- Q. What do you mean by breaker of horses?—A. New horses come in and have to be broken before hitching to other horses.
- Q. Do you do that?—A. Yes, sir; some of them.
- Q. How long had you been a breaker of horses before that?—A. I have been with horses all my life and been on teams.
- Q. Are you particularly skilled as a breaker of horses?—A. Yes, sir.
- Q. Where did you sleep the night before last?—A. At 49 Auburn street.
- Q. Where did you sleep the night before that?—A. At 49 Auburn street.
- Q. Where did you sleep the night before that?—A. At 49 Auburn street.
- Q. How late were you at Cambridge before that?—A. Quarter past 11.
- Q. Where were you at 11.15 last night?—A. I left Armory Hall, Cambridge-square, and came back to Bowdoin square.
- Q. Where did you go then?—A. I went into Morse's lunch room.
- Q. Where did you then go?—A. I went home and to bed.
- Q. What time was that?—A. I should say 12 o'clock when I reached home.
- Q. Have you been working this week?—A. Yes, sir.
- Q. Haven't you been in this court at all this week?—A. Yes, sir.
- Q. What were you over here for?—A. Listening to the trial.
- Q. Were you in the employ of the city of Boston all the time?—A. Yes, sir.
- Q. Did you get permission to come here?—A. Yes, sir.
- Q. From whom?—A. From Timothy Murphy.
- Q. Who is he?—A. He is superintendent of division 9, street-cleaning department.
- Q. What did you come over here for?—A. To listen to the trial.
- Q. Why were you interested in listening to the trial?—A. Nothing more than a spectator. I had read it up and got interested.
- Q. You thought you would go and get a day off from the city employment?—A. Half a day each day.
- Q. Are you a member of the Hendricks Club?—A. No, sir.
- Q. Do you know Martin M. Lomasney?—A. By sight.
- Q. That is all?—A. That is all.

Q. You have never seen him?—A. Yes; a number of times.

Q. Do you know William H. Cuddy?—A. Yes, sir.

Q. Talked with him at all about this case?—A. No, sir.

Q. Never spoke to him outside of the building?—A. No, sir; I have spoken to him of several things.

Q. But right out here, outside of this building?—A. No, sir.

Q. You worked for the city of Boston under the Hart administration, didn't you?—A. Yes, sir.

Q. You were discharged under the Collins administration?—A. No, sir.

Q. Well, you ceased to work there; did you leave the city employ?—A. Before the Collins administration I was let go.

Q. Then you went to work for the State committee March 4, 1902. You were not working before that State election?—A. Yes, sir; I was working for the street department.

Q. When did you go to work for the street department?—A. In July, 1902.

Q. To whom did you apply for work?—A. I took out my papers and went up on the civil service.

Q. When did you go on the civil service?—A. I think in May.

Q. When were you appointed?—A. I think in July.

Q. Who appointed you?—A. The superintendent of streets, I believe.

Q. Did you apply to Martin M. Lomasney to use his influence in getting you appointed?—A. No, sir.

Q. Did you apply to anyone?—A. No, sir; the name was on the list.

Q. How do you account for your strange good fortune in getting employed by the city of Boston?—A. I don't account for it.

Q. Is that the only reason you can account for it?—A. I have always been lucky.

Q. Do you belong to the Cambridge Clam Chowder Club?—A. I do.

Q. About a year ago you were having a good time there, were you not?—A. Yes, sir.

Q. You were living in Cambridge then, weren't you?—A. No, sir.

Q. All your social affiliations are in Cambridge, are they not?—A. No, sir.

Q. What other affiliations have you than the Hendricks Club?—A. I never had any with the Hendricks Club.

Q. Are you connected with anything else?—A. The St. Joseph Athletic Club.

Q. You belong to a number of other associations in Cambridge, don't you?—A. No, sir; only one.

Q. What is that?—A. The Charles River Boating Club.

Q. Has the Cambridge Clam Chowder Club ceased?—A. Yes, sir.

Q. When your foreman gave you permission to join a club, do you know whether the superintendent of streets knew of your absence?—A. I don't know. I did not notify him. I don't suppose that a man of the division wants to get off he goes to the superintendent of streets.

Q. You came over here, I suppose, merely to gratify your curiosity?—A. That is all.

Q. Was your absence noted on the pay roll?—A. I believe it was not; I can't tell till it comes round.

Q. When did you first come over here?—A. I think it was Wednesday.

Q. Were you the man that had charge of a gang of repeaters for Milton Paige at the last mayoralty election?—A. No, sir.

Q. Did you have charge of a gang of repeaters at the last election in Ward 8?—A. No, sir.

Q. And were you dispensing money to them?—A. No, sir.

Q. You understood that last question, didn't you?—A. I did; certainly did.

Cross-examination by Mr. MORAN:

Q. You have secured permission from your immediate foreman to be here?—A. Yes, sir.

Q. Secured the privilege of being absent from your work?—A. Yes, sir.

Q. It is not necessary to tell him what you want to go off for?—A. No, sir.

Q. You merely asked to go and you came here?—A. Yes, sir.

Q. You understand that you get no pay if you don't work?—A. Certainly.

Q. Particularly while Mayor Collins is mayor?—A. Yes, sir.

Q. You did not tell the foreman where you were going?—A. No, sir.

Q. So that, so far as you know, he did not know where you were?—A. No, sir.

Q. The superintendent of streets is Hon. James Donovan?—A. I believe so.

Q. One of the most prominent Democrats of the city of Boston?—A. To my knowledge.

Q. And holding the next highest position in the city of Boston to the Hon. Patrick A. Collins, the mayor of the city?—A. Yes, sir.

Q. And your home on May 1, 1902, your domicile and your residence, was 15 Bowdoin street?—A. Yes, sir.

Q. That was the only home or domicile that you had?—A. Yes, sir.

Q. And you had been there for some time, as you have testified?—A. Yes, sir.

Q. Did you know a man named Brennan, assessed from 15 Bowdoin street?—A. I did.

Q. What is his first name?—A. Edward Brennan; I don't know the full initials.

Q. Is he a member of the Democratic city committee of Ward 2?—A. Yes, sir.

Q. From where?—A. East Boston.

Q. Conry's ward?—A. Yes, sir.

Q. He lived at 15 Bowdoin street?—A. He was on the books; I don't know whether he is assessed or not.

Q. Do you know, of your own knowledge, that he was assessed from there?—A. I have seen the books.

Q. Where?—A. At city hall.

Q. How frequently did you see Brennan at 15 Bowdoin street?—A. Up to the time I left there I saw him every day.

Q. For how long a period of time?—A. Oh, I should say five or six months.

Q. Did you see him there during substantially the entire time you were living there?—A. No; I was there before he came there to live.

Q. How long were you there?—A. I don't quite remember.

Q. Was he a married or a single man?—A. Married.

Q. Did you get acquainted with his wife?—A. Yes.

Q. Where?—A. 15 Bowdoin street.

Q. How long did she live there?—A. They came together.

Q. And lived there six months, was it?—A. Yes, sir.

Q. Were they both there May 1, 1902?—A. I believe they were.

Q. That is your recollection?—A. Yes, sir.

Q. How long did they live there after that?—A. Up to the day the house was vacated.

Q. That was about what time?—A. I don't remember; some time in August, I think.

Q. August, 1902?—A. I think so; they went into the next house, No. 17.

Q. Who was the landlady there while they were there?—A. I could not give her name.

Q. Did you go into the next house also?—A. I did; most everybody moved from 15.

Q. Most everybody, including Brennan and his wife, went into No. 17? Why did they leave 15?—A. Unexpectedly some one came to get the furniture and we were told to get out.

Q. Nobody that you had anything to do with?—A. No, sir; I had my baggage and clothes, that is all.

Q. Now, do you know whether this man Brennan was a member of the ward committee during the entire year 1902?—A. I took his word for it. He sent me postal cards for meetings.

Q. He sent you postal cards for meetings? Where?—A. He showed them to me. They may have got to him on Bowdoin street. I supposed they came by mail.

Q. That is, he showed you postal cards of the Ward 2 committee which had come to him through the mail?—A. Yes, sir.

Q. And at that time he was living at 15 Bowdoin street?—A. Yes, sir.

Q. It is a matter of common knowledge that the entire Ward 2 committee of East Boston was supporting Mr. Conry for Congress; it was a matter of common knowledge, was it not?—A. So I was informed by Brennan.

Q. Do you know of any other Conry man, Ward 2 committee man, who was a supporter of Mr. Conry's election, who had a couple of places where he lived?—A. I do not.

Q. You don't know of any other one?—A. No.

Q. Did you ever have any talk with Brennan about his being assessed at 15 Bowdoin street?—A. Never.

Q. Do you know where Brennan is now?—A. The last I knew he was on Allston street.

Q. Where is that?—A. In Ward 6. I am not sure about that. It runs from Bowdoin street to Bullfinch street.

Q. Is he living there with his wife, do you know?—A. He was when I heard from him last.

Q. How long ago was that that he lived in Ward 6, this Ward 2 man who supported Mr. Conry?—A. One month ago.

Q. When did you last see Brennan?—A. Christmas week.

Q. Where was he living at that time?—A. I don't know. I met Lawyer Harrington and Brennan in Houghton & Dutton's.

Q. Lawyer Harrington is Mr. Brennan's junior attorney here?—A. Yes, sir.

Q. Brennan's wife and Mr. Harrington, where were they?—A. In Houghton & Dutton's.

Q. That is where they sell ladies' hosiery and dress goods, is it?—A. Yes, sir.

Q. That is, it is one of the largest department stores in the city of Boston?—A. Yes, sir; I suppose so.

Q. Did you have any conversation with Brennan about this case at any time?—A. No, sir.

WILLIAM H. CUDDY, sworn.

By Mr. MALLEY:

Q. Your name?—A. William H. Cuddy.

Q. Age?—A. Thirty-seven.

Q. Residence?—A. No. 2 Bridge court.

Q. Occupation?—A. First assistant assessor of the city of Boston.

Q. Are you a member of the Hendricks Club?—A. Yes, sir.

Q. That is a political organization?—A. Political and social.

Q. A Democratic political organization of Ward 8?—A. Not necessarily.

Q. Martin M. Lomasney is political leader of Ward 8, is he not?—A. Not necessarily. He is chairman of the Democratic ward committee.

Q. He is treasurer of the Hendricks Club, is he not?—A. He receives the money for the dues. He is treasurer.

Q. You are a Democrat?—A. Yes, sir.

Q. And you are first assistant assessor of the city of Boston?—A. Yes, sir; of Ward 8.

Q. How long have you been such?—A. Three years.

Q. And Ward 8 is included in that district?—A. Yes, sir; part of it.

Q. Were you one of the assessors who assessed the men in No. 1 and 3 Lowell street?—A. No, sir.

Q. Who were the assessors who had that in their charge?—A. Well, George Carr, I believe, was the first assistant assessor there.

Q. Who was the other assessor?—A. Michael Barry is the other.

Q. Who is George Carr?—A. A Republican living in Ward 7.

Q. Who was Michael Barry?—A. He is a man who lived in the ward.

Q. Affiliated or associated with the Hendricks Club?—A. No, sir.

Q. He was known as a Democrat?—A. Yes, sir.

Q. He was appointed at the request of the Democratic organization of Ward 8?—A. Yes, sir.

Q. Of which Martin M. Lomasney was the head?—A. He was chairman of the ward committee of which this man had the indorsement.

Q. During the six days of this hearing you have been present, have you not?—A. Yes, sir.

Q. And you have been assisting counsel for Mr. Keliber by way of advice and suggestion in the court room, have you not?—A. Well, if they asked me a question I tried to answer it.

Q. You have been sitting back of them all the time, have you not?—A. Yes, sir.

Q. Inside the rail?—A. Yes, sir.

Q. On Friday when Mr. McTiernan came here to testify you had some talk with him?—A. Yes, sir.

Q. What was the talk?—A. "Hello, how are you?"

Q. What other talk did you have?—A. That is all, sir.

Q. You walked up just behind the bar inclosure and rail and stood with him talking, didn't you?—A. No, sir; I did not. I said "Hello."

Q. You were requested by me to move away from him, were you not?—A. No, sir; I was not.

Q. You walked up from where you had been sitting, didn't you?—A. No, sir; I was standing, and he came by me and I said "Hello," and I no sooner said "Hello" than you said "Come here" and took him away.

Q. Oh, that is the distinction you make, is it?—A. Yes, sir; you called him.

Q. You have marshaled the witnesses summoned here, have you not?—A. No, sir; I have come along with them in the boat.

Q. And have talked with them all, have you not?—A. No.

Q. Talked with a great number of them?—A. No; I have not.

Q. You have walked up from the boat with the witnesses, have you not?—A. Yes, sir.

Q. What was your interest in coming to this trial for the last six days?—A. As a member of the ward and city committee, and being a Democrat, I thought I had a right; the people of the ward being attacked, I thought I should like to come and protect them.

Q. You know 1 and 3 Lowell street and 19 Causeway street?—A. Yes, sir.

Q. And every house in that district?—A. No, sir; not in particular.

Q. Did you come here in your capacity as assessor or representative of the Hendricks Club or Martin M. Lomansey?—A. I do not come as either; I come as a citizen and Democrat and representative of the Democratic ward committee of Ward 8.

Q. And in that way you feel that you ought to sit behind the counsel for Mr. Keliher and aid in the questioning of witnesses?—A. Yes, sir; that is what I was elected on the ward committee for.

Q. You feel that the assessments from 1 and 3 Lowell street and 19 Causeway ought to be protected?—A. I don't know anything about them.

Q. You feel that the men that come from those houses and come as Democrats ought to have your protection as citizens of Ward 8?—A. No, sir; I don't say any such thing.

Q. Then what do you come here for?—A. To see that they have justice.

Q. You are anxious that the witnesses called by Mr. Conry, the contestant, should be protected?—A. Yes, sir.

Q. And your interest in seeing that the witnesses get justice demanded that you sit behind counsel?—A. I sat behind counsel because I was asked to sit there.

Q. You felt that, while these witnesses were called by Mr. Conry, they were really witnesses of Mr. Keliher and ought to be protected by you?—A. No, sir; I don't know who they voted for.

Q. Now, if the witnesses were summoned by Mr. Conry, why didn't you sit behind Mr. Conry and assist the witnesses he had summoned?—A. I did not feel like it.

Q. You felt more closely affiliated with Mr. Keliher's counsel?—A. No, sir; I did not.

Q. You were identified with Mr. Keliher's candidacy at the last Congressional election, were you not?—A. I don't think so.

Q. You supported him?—A. I don't think so.

Q. The Democratic officers of Ward 8 did, didn't they?—A. I think the vote cast on election day decided it.

Q. That is, before the votes were announced that day you did not know you were supporting Mr. Keliher for Congress?—A. Certainly, that is a privilege I had, I think.

Q. You knew to whom the support of the leader of the ward was given, didn't you?—A. I didn't know anything about anybody but myself.

Q. You don't know but what the Democratic ward committee of Ward 8 supported Mr. Conry?—A. I told you that the votes showed that they were with Mr. Keliher.

Q. Do you know who the Democratic ward committee supported?—A. The delegation supported Mr. Keliher in a convention and unquestionably went with him on election day.

Q. Now, whom did the ward committee support for Congress?—A. I don't know.

Q. Are you a member of the Democratic ward committee?—A. I am.

Q. Will you say under oath that you don't know which side they supported?—A. I can't say. I suppose they supported Mr. Keliher. I can talk about myself. I am talking of myself, a representative of the ward committee, and not for the whole committee.

Q. Did you come over here to see that the witnesses of Mr. Conry get justice, to protect the Democracy of Ward 8, and protect yourself and all those you appointed or caused to be appointed?—A. No; I came as a citizen, and was asked by the counsel to sit in the inclosure, and if they asked me a question for the reason that I lived in Ward 8, and knowing, of course, considerable of the ward, I was asked questions at different times, and if I could answer them I did so, and that is the only reason.

Q. Now, you were appointed assistant assessor through the efforts of the Democratic citizens of Ward 8?—A. Certainly.

Q. When were you appointed?—A. In 1900.

Q. Who was mayor then?—A. Thomas N. Hart.

Q. You were appointed under Mr. Hart?—A. Yes, sir; as a Democrat.

Q. By a Republican mayor?—A. Yes, sir; by a Republican mayor.

Q. A Democratic assessor, whose duty it was to assess the district in which Ward 8 is included. Were Democrats appointed at the suggestion of the Democratic organization of Ward 8?—A. No, sir.

Q. Who were appointed?—A. Mr. George W. Carr, I believe, the first assistant—

Q. He is a Republican?—A. Yes; but he was not appointed at the suggestion of anybody in Ward 8, but transferred from another ward.

Q. I said the Democratic assessors.—A. The second assistant assessor to Mr. Carr was appointed, of course, on the recommendation of the Democratic ward committee, who indorsed him.

Q. And he was one of the assessors that covered 1 and 3 Lowell street and 19 Causeway street?—A. He was one of the assessors.

Q. And it looked very much like careless work if they took 82 votes from one man, who says, "These men sleep in my house?"—A. No, sir; the duty of the assessor is to ask the proprietor or proprietress the name of every person over 21 years of age living in the house on the 1st day of May.

Q. Have you been busy at the board of election commissioners the past week?—A. I have been there a couple of times.

Q. You have been there looking over the descriptions and details as to the registering of the men summoned as witnesses here the last three or four days?—A. I looked over the registration from some of those houses at the request of counsel.

Q. At the request of counsel you went down for two days and looked up the description of the witnesses as they were registered, the details of registration and the time when they were registered, did you not?—A. I looked up the registration of McTiernan and a few more at the suggestion of counsel, and I don't know anything about that.

Q. Did you make a report to counsel?—A. Yes, sir.

Q. A written report?—A. No, sir; a report.

Q. You remember all the details of 20 or 30 witnesses?—A. No; it would be impossible to do that.

Q. How did you report it?—A. The few names I took I wrote down and turned them over.

Q. Did you tell any of these witnesses all the details of registration?—A. No, sir.

Q. Did you go to find out the man so as to get a man to fit the descriptions?—A. No, sir; it would be a very difficult matter to do that.

Cross-examination by Mr. MORAN:

Q. You are a first assistant assessor of the city of Boston?—A. Yes, sir.

Q. How many first assistant assessors are there in the city of Boston?—A. I believe about 46.

Q. You understand that the law requires that they be divided equally between the political parties?—A. I don't know as the law requires it, but it is customary. They must alternate between the parties, Republican and Democratic, to go to the houses.

Q. First assistant assessors—is it a fact that in their appointment the Republican and the Democratic mayors of the city of Boston have appointed a Republican and a Democrat, so that each party has about an equal representation among the first assistant assessors?—A. Yes.

Q. It is also a fact that three persons go about through the city doing the assessing about the 1st of May?—A. Yes, sir.

Q. You understand that the law requires that both parties be represented among those three persons?—A. Yes, sir.

Q. Is it customary for one of the persons to be first assistant?—A. Yes, sir.

Q. And the others are second assistants?—A. One is assistant and the other clerk.

Q. And if the first assistant is a Republican, the other that accompanies him is a Democrat, and the clerk makes notes for him as they do the assessing?—A. Yes, sir.

Q. So that the three men travel about among the wards, and go together, and keep together doing their work?—A. That is the law.

Q. You understand there is a law which requires lodging-houses and boarding-house keepers, on request of the assessors, to furnish the names of all the persons who live in their houses?—A. Yes, sir.

Q. And it is the duty of the assessors, of those two assessors and the clerk, to inquire at each house for the names of all male persons over 21 years of age who lived in the house on the 1st of May?—A. Yes, sir.

Q. And then a memorandum is made by the clerk of the answers made to him?—A. Yes, sir.

Q. And those answers are written down in the presence of the Republican and the Democratic assessors?—A. Yes, sir.

Q. And you had a district assigned to you as first assistant assessor?—A. Yes, sir.

Q. That district did not include any portion of the streets referred to in the testimony in this case?—A. No, sir.

Q. So that in relation to all the witnesses who have testified here in the past hearings you have nothing whatever to do concerning their assessment?—A. No, sir.

Q. You mentioned in your testimony the name of George Carr?—A. Carr is the name, I believe.

Q. George Carr is a Republican?—A. Yes, sir.

Q. Was he the first assistant assessor who, accompanied by a clerk and by a second assistant assessor, did the assessing in these various houses that have been referred to in the testimony during the past few days?—A. They did the assessing, yes, sir; Carr was first assistant and his associate was the second assistant.

Q. What ward did Mr. Carr come from?—A. I believe he was transferred from Ward 7 there; he has been there for four or five years.

Q. Was he doing the assessing there during the whole of that time?—A. Yes, sir.

Q. In this particular district?—A. Yes, sir.

Q. Is there such a thing as the names being carried over from year to year on the assessor's list?—A. No, sir; not carried over; the name is to be given at a house every year.

Q. When you go to a house with your second assistant and the clerk do you have in your possession, so that you can refer to it, the list of the persons assessed in the house the previous year?—A. Yes, sir; it is customary to take the book and read last year's assessment. If they are still there we check them off and then ask for the new ones in the house.

Q. Then you get the names of the new ones, if any there be?—A. Yes, sir.

Q. Taking the word of the proprietor for it, of course?—A. Oh, yes.

Q. Now, whatever examination of records you have made at city hall in relation to McTiernan or one or two other witnesses you did at the request of counsel in this case?—A. Yes, sir.

Q. And you came over to the court-house so as to enable them to have some one of whom to ask questions at counsel's request?—A. Yes, sir.

Q. And it was at counsel's request you sat over beyond the bar on a seat within the bar?—A. Yes, sir.

Q. Two years ago last fall there was a Congressional election?—A. Yes, sir.

Q. And the candidates for that Congressional election were two in number?—A. I believe so.

Q. Candidates of the larger parties, and one of them was Mr. Conry?—A. Yes, sir.

Q. And he was elected at that election two years ago last fall?—A. Yes, sir.

Q. Do you remember who his Republican opponent was?—A. I can't recall now.

Q. I can't recall myself, but I knew it well enough at the time probably. There was no other Democratic candidate at that time?—A. No, sir.

Q. And the Democratic organization of Ward 8 supported the Democratic candidate then?—A. Yes, sir. We always support the Democratic candidate.

Q. The Democratic ward committee always supports every Democratic candidate?—A. Certainly.

Q. When there are two Democratic candidates, neither having the nomination, then each man chooses for himself?—A. I believe that is it.

Q. Now, the delegates from Ward 8 to the Democratic Congressional convention of last fall supported Mr. Keliher in that convention?—A. Yes, sir.

Q. And that convention broke up without making any nomination?—A. Yes, sir.

Q. And Mr. Keliher and Mr. Conry both went to the polls without nomination, except nomination on nomination papers, as provided by statute?—A. Yes, sir.

Q. The ward committee of your ward had no meeting at which it decided to support as a body either candidate?—A. No, sir.

By MR. MALLEY:

Q. I understood you to say that the regular Democratic organization of Ward 8 supported Mr. Conry at the Congressional election in 1900?—A. Yes, sir; he was the regular nominee.

Q. Did the regular Democratic organization of Ward 8 support the Democratic nominees of the next city election?—A. I presume it did.

Q. You are not sure of that?—A. We support the Democrat candidates.

Q. Which candidate carried the ward at the city election?—A. I don't remember. I can't recall what the office was he was running for.

Q. Mr. Galvin was the regular Democratic candidate for street commissioner, was

he not?—A. I don't remember. I remember he was the candidate for street commissioner in 1900.

Q. Did he carry the ward?—A. I can't remember that; I don't believe that he did.

Q. You remember that he did not, don't you?—A. I don't think he did.

Q. That is one of the regular Democratic candidates that did not carry the ward?—A. I don't know. We can not control people all the time.

By Mr. MORAN:

Q. Your answers to my questions were in relation to the ward committee organization?—A. Yes, sir.

Q. And that organization does not cast the votes for the people?—A. No, sir.

Q. They cast the votes for themselves?—A. Yes, sir.

By Mr. MALLEY:

Q. You are sure they cast the votes for the people, are you?—A. Certainly; we can not control the people.

SIMON GOLDBERG, sworn.

By Mr. MALLEY:

Q. What is your name?—A. Simon Goldberg.

Q. Where do you live?—A. At 61-2 Margin street.

Q. How old are you?—A. Forty-two.

Q. How long have you lived there?—A. Three years.

Q. Where were you born?—A. Russia.

Q. When were you naturalized?—A. Some sixteen or seventeen years ago.

Q. Where?—A. Right here in Boston.

Q. Who were your witnesses?—A. I can not remember.

Q. Don't you know who were the witnesses to the naturalization?—A. I can't remember; it was so long ago.

Q. Were they Democrats or Republicans?—A. At that time I don't know. I did not take interest enough to know the difference.

Q. Have you ever voted in a Democratic caucus in Ward 8?—A. Never.

Q. Did you hold any office in the Republican organization in Ward 8?—A. Not now.

Q. When did you last hold office?—A. Last year I was a member of the ward committee.

Q. Were you chairman of the Republican ward committee?—A. I was.

Q. When?—A. Last year.

Q. Were you chairman the year before?—A. No, sir.

Q. How many years have you been chairman of the ward committee?—A. I was only a member one year and I was chairman.

Q. What year?—A. Last year, 1902.

Q. Whom did you work for?—A. For the city of Boston.

Q. What department?—A. The sanitary division.

Q. What doing?—A. Laboring.

Q. Are you hired as a laborer?—A. Yes, sir.

Q. Do you have anything to do with issuing permits or licenses of any kind?—A. No, sir.

Q. What kind of work do you do?—A. I have said laborer; common work: cleaning, etc.

Q. With a shovel and pick?—A. Sometimes, if necessary.

Q. What do you do generally?—A. I am around the yard.

Q. What yard?—A. City yard.

Q. What city yard?—A. West End.

Q. What is your work?—A. Laborer; labor, dig, carry sticks and stones.

Q. I mean by work, do you clean the dip carts?—A. No, sir.

Q. Do you clean harnesses?—A. No, sir; clean in the yard.

Q. You clean in the yard?—A. Clean in the yard.

Q. You clean the yard, that is what you claim?—A. Yes, sir.

Q. What do you clean the yard with?—A. Naturally with a broom.

Q. When did you get appointed to that position?—A. Under Mayor Hart.

Q. What time was that?—A. November, 1901.

Q. How long did you work that time?—A. Since that time.

Q. You never left off?—A. No, sir.

Q. Was that just before the city election?—A. It must have been.

Q. November 15, 1901?—A. 1901.

Q. What was the date you were made chairman of the Republican ward committee?—A. That was right after the organization was formed.

Q. When was that?—A. It must have been the latter part of January or the 1st of February.

Q. 1902?—A. Yes, sir.

Q. At the time you were chairman of the Republican ward committee were you employed by the city of Boston?—A. I was.

Q. Then when Mayor Hart was defeated you held over under Mayor Collins, the Democratic successor of Mayor Hart?—A. Yes, sir.

Q. While you were working under the Democratic administration as an employee of the city of Boston you became chairman of the Republican committee of Ward 8?—A. What does that make any difference?

Q. You did, did you?—A. Yes, sir.

Q. Did you use any Democratic influence to keep you in your position?—A. No, sir.

Q. Are you quite sure that you were never suspended?—A. From what?

Q. You worked steadily from the time you were first appointed by Mayor Hart down to the present?—A. I never received notice of suspension at any time.

Q. What time did you report for duty in the morning?—A. At 7 o'clock in the morning.

Q. What time did you get through?—A. Four o'clock.

Q. What was your pay per week?—A. I do not think that is—am I supposed to answer this question?

Mr. MORAN. Yes.

A. I get \$2.25 per day.

Q. You were just one year with the party?—A. I was with the party seven or eight years.

Q. You are identified with the Republican party now?—A. Yes.

Q. How did you get appointed by Mayor Hart—from the civil-service list?—A. I presume so.

Q. Was your name drawn from the civil-service list?—A. Certainly.

Q. Who was influential in getting your appointment with Mayor Hart?—A. William Berwin.

Q. Did Martin Lomasney have anything to do with it?—A. Oh, no.

Q. Did he have anything to do with keeping you in your position?—A. Not a particle.

Q. Were you chairman of the Republican ward committee when Mayor Collins ran the last time?—A. Well, that is the time, 1902, is it not? No; I was not then; it was the second year.

Q. You became chairman of the organization after he got elected? How many Republicans are there in Ward 8?—A. Well, at the last election we got on the head of the ticket 660-odd votes; somewhere around it.

Q. Were you a precinct officer?—A. Yes, sir; I was.

Q. While you were in the city employ you served as a precinct officer?—A. Yes, sir.

Q. What precinct?—A. Precinct 5.

Q. How many voters do you know in that district?—A. Quite a few.

Q. What do you call a few?—A. I know a couple of hundred there.

Q. How many votes were cast for the Republican candidate for Congress?—A. I can not remember that.

Q. More than 200?—A. I can not remember; I can not give any number at all.

Q. You can not give the number of votes cast for the Republican candidate in that precinct?—A. I do not think the amount reached up as far as that.

Q. How many Republicans are there in that precinct?—A. I do not think I could say.

Q. As chairman of the Republican committee in the ward, doubly interested in the Republican caucus, did you not take any interest?—A. It is very uncertain. Very often you figure on good Republicans and they turn out to be good Democrats.

Q. Was that the case with you?—A. No, sir; not with me.

Q. You were chairman of the Republican committee and you turned out to be a good Democratic employee?—A. How did you make that out?

Q. Did you or did you not?—A. I can't understand the question.

Q. You are of Hebrew extraction, are you not?—A. A good one; yes.

Q. You selected all the 16 precinct officers, did you not?—A. Eighteen, sir.

Q. You selected the whole 18, didn't you?—A. Not myself, but through the recommendations of other members of the ward committee.

Q. Yes, but you made the recommendations to the board of election commissioners, did you not?—A. Not exactly.

Q. Who did?—A. We made out a list through consultation and figured out that these people will be eligible to do the work.

Q. You sent in the list as chairman of the Republican committee?—A. Where to?

Q. To the election commissioners.—A. No, sir.

Q. To whom did you send it, then?—A. Mr. Berwin.

Q. You made out a list with the assistance of others of the committee, did you?—

A. I certainly did.

Q. And you appointed 16 Hebrews?—A. Not exactly.

Q. How many Hebrews did you appoint?—A. I never made any distinction.

Q. Upon looking over the list now can you say how many you appointed?—A. Sure; indeed I can.

Q. How many Hebrews are there in that ward?—A. About 8,000.

Q. How many voters?—A. About 1,200.

Q. Are they all Republicans?—A. No, sir; I can not say that.

Q. What proportion of them are Republicans?—A. That is more than I can say.

Q. The greater proportion are Democrats, are they not?—A. That is more than I can say.

Q. You have how many Republican voters in the ward?—A. At the last election we had 6,500, or something about that.

Q. And you got about 1,200 Hebrew voters in the ward, have you not?—A. Yes.

Mr. MORAN. Why do you draw the line on Hebrews?

A. That is what I want to know.

Q. Were there any besides Hebrews who voted the Republican ticket in Ward 8? Do you know the majority of Hebrew in Ward 8 are Democrats?—A. I do not know.

Q. Do you know anything at all of the Hebrews in Ward 8?—A. I can not say.

Q. What in the world did they elect you as chairman of the ward committee of Ward 8 for?—A. I do not know. They understand I am a good Republican.

Q. Did you know of the ordinance of the city of Boston, section 26, which says that no salaried officer or employee of the city not elected by popular vote shall be an officer of any political caucus or the member of any political committee or convention?—A. No; I did not.

Cross-examination by Mr. MORAN:

Q. You just learned about that, did you?—A. I am willing to learn all the time.

Q. You are a laborer in the city employ?—A. Yes.

Q. You understood, did you not, that it was the policy expressed openly by Mayor Collins during his campaign for election that he would not cause the discharge of any laboring man because he voted for or against him?—A. Sure.

Q. And it was declared publicly that the laborers working for the city might vote as they pleased and not be punished?—A. That is what he said before election.

Q. And you voted as you pleased and you have not been punished?—A. Not as I know of.

Q. This William Berwin that you referred to is a leading Republican of the city?—A. He is, sir.

Q. And was a member of the Republican ward and city committee?—A. No, sir; he was not.

Q. In making up these lists of precinct officers the entire ward committee, consisting of several members, meet and suggestions are made as to the persons who they desire to have occupy these various positions as precinct officers?—A. They consult one another.

Q. And the list is finally made up by the ward committee and then sent on by some leading Republican to the election board and the board appoints the men? They are called before the board and their duties explained to them?—A. They are qualified.

Q. And they are put under oath?—A. Yes, sir.

Q. And these various men that you recommended to serve in 1902 were all honest men?—A. Yes, sir.

Q. And, in fact, the men were there before; the majority of them were good, honest men, reputable persons?—A. Yes, sir.

Q. And they faithfully performed their duties?—A. Yes, sir; to the best of their knowledge.

Redirect examination by Mr. MALLEY:

Q. Did you know all the names of the Republican committee of which you were chairman?—A. Yes, sir; I know some.

Q. Give the names of the committee of which you were chairman?—A. There was myself.

Q. What is your name?—A. Simon Goldberg; then there is Marcus Weinstein, and then Mr. Tooney.

Q. What is his first name?—A. I think it is Mike.

Q. That is a novelty.—A. Abraham M. Smith.

Q. How many men were on the committee?—A. I think we had 8.

Q. What are the other names of this active committee? Must you take time to think of them?—A. Yes. These things bother me a little; I do not keep their names all the time.

Q. As chairman, you did not mind who was on the committee?—A. Why should I?

Q. That is all you can think of now?—A. I can remember if I refresh my memory.

Q. But you would have to look at some printed or written document in order to tell who are on the committee of which you were chairman?—A. Not necessarily.

Q. How long would it take you to remember?—A. I do not know how long.

Q. Would it take you a longer time to think of them than we could give?—A. I could think of them if I had time enough. I never bothered with them.

MR. MALLEY. I wish to offer this section 26 of chapter 3 of the revised ordinances of the city of Boston, that—

“No salaried officer or employee of the city not elected by popular vote shall be an officer of any political caucus or a member of any political committee or convention, nor shall any officer or employee of the city not elected by popular vote apply for, object to, or advocate before the legislature any special act relating to the city of Boston, unless expressly authorized to do so by the mayor or the city council.”

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 82 pages, is a true and correct record of the testimony and proceedings in the contested-election case of Joseph A. Conry against John A. Keliher before me on March 7, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein referred to.

JOSEPH H. BARNES, JR.,

Special Justice of East Boston District Court.

NOTICES TO TAKE DEPOSITIONS.

MARCH 12, 1903.

TO JOHN A. KELIHER, Esq., or his attorneys:

You are hereby notified that I intend to take the testimony of the witnesses whose names and residences are given in the appended list on Saturday, the 14th day of March, A. D. 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon of said day, before Joseph H. Barnes, jr., a special justice of the East Boston district court, at the court room of the East Boston district court, Meridian street, in East Boston; and if the taking of said deposition is not concluded on the said date the further taking of such deposition will be continued from day to day at the same hour and place until fully concluded.

George H. Berg, Michael J. Stanford, Michael J. A. Welch, 13 Billerica street, Boston; Charles E. Quinn, Frank H. Quinn, Francis Quinn, 17 Billerica street, Boston; Thomas Byrnes, Thomas Casey, Daniel J. Finn, John Garrity, Frank Hawkins, Timothy Hayes, John Hicks, James F. Leonard, John F. Leonard, Dennis T. Manning, John Murphy, John O'Rourke, John F. Reagan, Cornelius J. Reardon, Timothy Sullivan, 48 Nashua street, Boston; John Mooney, John Farrow, Richard A. O'Connell, Henry McQuade, Michael Doherty, John McLaughlin, Owen A. McDonald, James F. McDonald, Patrick Harvey, Patrick Devlin, James J. Bonner, 46 Nashua street, Boston; Walter C. Whitecomb, 2 Clinton street, Cambridge, Mass.

JOSEPH A. CONRY,

By his attorney, CHARLES F. M. MALLEY.

BOSTON, *March 12, 1903.*

SUFFOLK, *ss:*

By virtue hereof I this day made diligent search for the within-named John A. Keliher, but could not find him within my precinct, and afterwards, on the same day at 2 o'clock and 20 minutes p. m., I notified the within-named John A. Keliher of the within hearing by giving in hand to Francis A. Campbell, esq., his attorney, a duplicate original copy of the within notice.

JOHN J. CONROY,

Constable of the city of Boston.

MARCH 12, 1903.

TO JOHN A. KELIHER, ESQ., or his attorneys:

You are hereby notified that I intend to take the testimony of the witness whose name and residence is given in the appended list, on Saturday, the 14th day of March, A. D. 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon of said day, before Joseph H. Barnes, jr., a special justice of the East Boston district court, at the court room of the East Boston district court, Meridian street, in East Boston; and if the taking of said deposition is not concluded on the said date the further taking of such deposition will be continued from day to day at the same hour and place until fully concluded.

Francis X. Donovan, 32 Chambers street, Boston.

JOSEPH A. CONRY,

By his attorney, FRANCIS F. HARRINGTON.

BOSTON, March 12, 1903.

SUFFOLK, ss:

By virtue hereof I this day made diligent search for the within-named John A. Keliher, but could not find him within my precinct, and afterwards, on the same day at 4 p. m., I notified the within-named John A. Keliher of the within hearing, by giving in hand to Francis A. Campbell, his attorney, a duplicate original copy of the within notice.

JOHN J. CONROY,

Constable of the city of Boston.

BOSTON, March 9, 1903.

JOSEPH H. BARNES, JR.,

Special Justice of the East Boston District Court:

On behalf of Joseph A. Conry, contestant in a contested Congressional election case against John A. Keliher, returned member from the Ninth Congressional district of Massachusetts, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compell the attendance of the following-named witnesses, at the court room of the East Boston district court, on Meridian street in East Boston, within said district, to the following-named witnesses, whose names and addresses are herewith submitted for attendance March 14, 1903.

James J. Bonner, Patrick Devlin, Michael Doherty, John Farren, Patrick Harvey, James F. McDonald, Owen A. McDonald, John McLaughlin, Henry McQuade, John Mooney, Richard A. O'Connell, 46 Nashua street, Ward 8, Boston, Mass.; Thomas Byrnes, Thomas Casey, Daniel J. Finn, John Garrity, Frank Hawkins, John J. Hayes, Timothy Hayes, John Hicks, James F. Leonard, John F. Leonard, Dennis T. Manning, John Murphy, John O'Rourke, John F. Reagan, Cornelius J. Reardon, Timothy Sullivan, 48 Nashua street, Ward 8, Boston, Mass.; Charles E. Quinn, Francis Quinn, Frank H. Quinn, 17 Billerica street, Ward 8, Boston, Mass.; George H. Berg, Michael J. Stanford, Michael J. Welch, 13 Billerica street, Ward 8, Boston, Mass.; Walter C. Whitecomb, 12 Clinton street, Somerville, Mass.

JOSEPH A. CONRY,

By his attorneys, CHARLES F. MALLEY
AND F. F. HARRINGTON.

SEVENTH DAY.

EAST BOSTON, March 14, 1903.

Charles T. Bovell was sworn in as official stenographer for the session, the oath being administered by Mr. Justice Barnes.

MR. MALLEY. Your honor, please, at this continued hearing I would like to produce and file with the records the requests for subpoenas.

(By the instruction of the court the stenographer marked it "Exhibit 119, J. H. B.")

I would now like to offer, if your honor please, the original of the notice of intention to take the testimony of the following witnesses, served upon Mr. Keliher's attorney, Mr. Campbell, on March 12, 1903. You have a copy of that, Mr. Campbell.

The COURT. Hand it to the stenographer and let him mark it Exhibit 120, J. H. B. (Marked by the stenographer "Exhibit 120, J. H. B.")
 Mr. MALLEY. And another notice of a witness, Francis X. Donovan. (Marked by the stenographer "Exhibit 121, J. H. B.")

WALTER C. WHITCOMB, sworn.

By Mr. MALLEY:

Q. Will you state your name and residence?—A. Walter C. Whitcomb, 2 Clinton street, Cambridge, Mass.

Q. What is your business, Mr. Whitcomb?—A. My business is gathering names for the city directory.

Q. You are in the employ of Sampson, Murdock & Co., who issue the Boston City Directory?—A. Yes, sir.

Q. And what is your method of ascertaining names, Mr. Whitcomb?—A. We go to the house and ask the head of the house—

Q. Kindly state about what time in each year?—A. From February till April; the middle of April. And we go to a house and ask the head of the house, or some one who represents that house, to give us the names and information as to business and home; business location and house location.

Q. You do not take the names from the individuals who bear them at all times?—A. Not at all times.

Q. Those that you can find you indicate and set down the result by name of their name and address in your enumeratory tablets?—A. Yes, sir.

Q. Now, did you call at any time in 1902 at the houses 1 and 3 Lowell street—A. I did.

Q. For the purpose of getting names for the city directory? And whom did you see there?—A. Last year, in 1902, I called twice. The second time I found a man who represented the house.

Q. Now, the first time you did not see anybody?—A. I did not see anybody. Yes, I saw the woman supposed to be his wife. She said she was his wife, and as there was a number of names to be given from those two houses I called the second time to get a full list of the man who said he ran the house—

Q. Did you get his name, do you remember?—A. I got his name; yes.

Q. What was his name, please?—A. I have forgotten. I would have to go back in the record to find it.

Q. Whether or not it was Edward J. Kane?—A. I think it was.

The COURT. Speak so the stenographer may get it.

The WITNESS. Edward J. Kane.

Q. And did you ask him for the names of those who were living there at the time?—A. I did.

Q. Have you the list of the names that were living there at the time?—A. I have not.

Q. You made one up at that time?—A. I made one up at that time.

Q. And about when did you destroy it?—A. Those names were kept by the firm for about six months, and then those names are—the new names—or, the new names are put in the directory. We carry the directory for years. Would you like to see the book?

Q. Yes.—A. We carry a sample of the book, and we carry a book of that description and put down names as we go along, in that way.

Q. You carry a separate slip for each name?—A. These are separate slips, you see; and the new names are taken on these slips. The old names are checked up already in the copy of the book that we carry.

Q. As to the names that were previously given to you for the directory as living in any particular place do you make inquiry as to whether they are still living there?—A. Yes, sir.

Q. And if they are you check them up as being still residents?—A. Yes, sir; it is the new names I put on these slips. The slips are kept about six months and then it is destroyed.

Q. Now, do you remember the names of those men; the names that were given you by the proprietor of the house as living there in February, 1902?—A. No.

Q. All the names that you took from this proprietor, Mr. Kane, were turned in by you to your employer, the publishers of the Boston city directory?—A. Yes, sir.

Q. And all those later published in the Boston city directory?—A. Were all published in the city directory.

Q. Have you called at 1 and 3 Lowell street recently for the purpose of getting names for the directory of 1903?—A. I called two weeks ago, and I saw the proprietress—if she is—and she said her husband wasn't up. I called about 10 o'clock in

the morning, and she advised me to call again when he was there; and I called afterwards and he was out to Roxbury, or away, so I haven't really gotten the names yet.

Q. You say you called about two weeks ago?—A. Yes, sir.

Q. Was that to 1 and 3 Lowell street?—A. 1 and 3.

Q. And that was substantially the last day of February or the first of March, you mean by two weeks ago, to-day being the 14th?—A. Yes, sir.

Q. Whether or not she said she could give you the names without consulting her husband?—A. She said she could not; that she wasn't posted and her husband was.

Q. Did you call at No. 19 Causeway street in February, 1902, for the purpose of getting names of the residents for publishing in the city directory?—A. I did.

Q. Do you remember who you saw there?—A. I remember the man's face, but I do not remember the name; I remember his face.

Q. Did you get his name at that time?—A. I got his name.

Q. Was his name Michael Murphy?—A. I think it was; yes, sir.

Q. And was it he who gave you the name for the city directory as living there?—A. Yes; he gave me the name for the city directory.

Q. And were all the names at that time subsequently turned in by you to your employers?—A. As near as I can remember I think perhaps 30 were in the house; the others were new names.

Q. Did you turn in the new names, too?—A. Yes, sir.

Q. He gave you the names of 30 being former residents of 19 Causeway street; now, then, did you turn in all the names, the old and the new, that you received from him to your employers?—A. As I told you, the old names are checked up in the book which we carry and the new names are on those slips.

Q. You turned in the new names and then you turned in the book with the checking opposite the name that already had been in, and the checking of it indicates to your employers, or the printers of the book, that those names are to be printed as new residents in the directory; and you did all that?—A. Yes, sir.

Q. You turned in the new names and made the checking of the old names as your returns on your investigation of the names of the residents of 19 Causeway street?—A. Yes, sir.

Q. And subsequently were all the names that you turned in, the new names, published in the new directory, the directory for 1902?—A. They were; yes, sir.

Q. And were the old names that had been published in the directory for 1901, and which were checked by you as being still residents for the year 1902, published in the directory for 1902?—A. They were.

Q. You do not know whom the proprietor, the owner, of 19 Causeway street is, do you?—A. No; I do not.

Q. As you recall it, the name of the man who gave you the names there was one Michael Murphy; now, do you recall calling at the Hendricks Club in the year 1902 for the purpose of getting names for the city directory?—A. I do.

Q. And did you see there Martin M. Lomasney?—A. Not in 1902; I saw him there this year, 1903. Last year I saw the man who calls himself the janitor and I think he was the one who has given me the names.

Q. And he gave you certain names of men as living there?—A. Well, as being there.

Q. Whether or not you know of any tenements, of any living apartments, in the Hendricks Club?—A. I do not know.

Q. At that time you got some names of men as being located there?—A. As near as I can remember, perhaps 5; I do not know of any more.

Q. And those names were published in the Boston city directory?—A. Yes, sir.

Q. That is, for the year 1902 directory?—A. 1902.

Q. Now, you called at the Hendricks Club in February, 1903, for the purpose of seeing who were located there, did you not?—A. In March.

Q. In March, 1903. And there you saw whom?—A. Mr. Lomasney.

Q. Did you ask him for the names of those that were located there?—A. Yes.

Q. State what was said.—A. He gave his own name and that was all. I asked him if there was still the same janitor, and he said no.

Q. Did you ask him for any further names?—A. I asked for further names.

Q. And what did he say about it?—A. That there were none.

MR. MALLEY. I think that is all to-day.

Cross-examination by Mr. MORAN:

Q. Republican or Democrat in politics?—A. Republican.

Q. When were you first talked with about testifying in this case?—A. I had this subpoena handed me and that was all.

Q. When were you first talked to?—A. I have never been talked to.

Q. Never been talked with?—A. Never been talked to.

Q. Do you know this gentleman, Mr. Malley?—A. I never saw him till—

Q. Answer my question. Do you know him?—A. I do not; no, sir.

Q. Weren't you sitting down in that rear room on the settee for over ten minutes before this hearing began?—A. I may have been there two minutes.

Q. Weren't you talking with him about the case while you were sitting on the front settee which you can see through the door there now?—A. Yes, sir.

Q. And didn't you see me while you were walking back and forth?—A. I might have seen you, but I do not remember.

Q. Didn't you see a photographer over near the window?—A. Yes; I saw the photographer.

Q. Now, weren't you sitting there pretty nearly ten minutes talking with Mr. Malley?—A. Ten minutes is a pretty long time. I should say three or five minutes.

Q. And were you during that entire time talking with Mr. Malley about this case?—A. I was talking with him; yes, sir.

Q. Were you, during that entire time, talking with Mr. Malley about the case?—A. He was talking to me about the case.

Q. Were you, during the entire time, talking with him about the case?—A. That is all I have to say.

Q. Were you talking to him about anything else but the case during the entire five minutes?—A. No, sir.

Q. Then you were talking with him during the entire five minutes about the case?—A. Yes, sir.

Q. And he talked with you about the case?—A. He did.

Q. You were not merely telling him what you knew, but he was telling you?—A. I answered his questions.

Q. You were not telling him what you knew but he was telling you something, wasn't he?—A. No, sir.

Q. Didn't he give you any information at all in there?—A. No, sir; not a word.

Q. Didn't he tell you what he wanted you here for?—A. No, sir.

Q. Did you ask him what he wanted you here for?—A. I asked him if he wanted information on 1 and 3 Lowell and 19 Causeway.

Q. Why did you single out those places?—A. Because it was the subpoena man told me when he brought the subpoena.

Q. Who was the subpoena man?—A. I could not tell you.

Q. Was there anything in your written subpoena that was handed you about 1 and 3 Lowell street?—A. Yes, sir.

Q. There was?—A. Yes, sir.

Mr. MORAN (to Mr. Malley). Will you produce a copy of the subpoena?

The WITNESS. I have it right here if you would like to see it.

Mr. MORAN. "You are further ordered to bring with you the books of record containing your original entry of names for the Boston City Directory from 1 and 3 Lowell street, in the city of Boston, said records and entry being for the year 1902."

Q. That was the only information you had as to the subject on which you were to be questioned?—A. That is all.

Q. There was nothing there about Causeway street, was there?—A. No, sir.

Q. Where did you first learn that you were to testify in regard to Causeway street?—A. Mr. Malley asked me if I canvassed Causeway street, and I told him I did.

Q. So that the man who served the subpoena on you said nothing to you about what you were to testify to, did he?—A. Not a particle.

Q. Merely handed you the subpoena?—A. Yes, sir.

Q. You did not have any talk with him at all?—A. Not at all.

Q. He did not ask you any questions?—A. I told him exactly what I told Mr. Malley and you here now.

Q. You have been testifying probably ten minutes, haven't you?—A. I have been testifying here perhaps five minutes.

Q. You mean to tell us you told that man who served the subpoena on you all the things you have been telling here while you have been on the witness stand?—A. Exactly.

Q. So that he propounded a series of questions to you, did he?—A. You mean the man who came and served it?

Q. Yes; the man I am talking about.—A. Well, I can't say that I told him all of it. He came to the office, and Mr. Murdock, the head of the concern, was there, and said it was virtually just about what I have told you now.

Q. Who was there besides the constable who served the subpoena?—A. No one except Mr. Murdock, when he wanted to see me. I will give you this information—

Q. I don't want that. Now, how long a time did that conversation take?—A. Five minutes, perhaps.

Q. During that time did you learn from him any names?—A. No, sir.

Q. Were any names mentioned during that time?—A. No, sir.

Q. While you were sitting in the rear room talking with Mr. Malley to-day were any names mentioned?—A. No, sir.

Q. Either by you or Mr. Malley?—A. No, sir.

Q. What is the name of the man whom you saw in 1902 at 1 and 3 Lowell street?—A. I think it was this Murphy.

Q. Now, what was Murphy's full name, at 1 and 3 Lowell street, whom you saw?—

A. That I do not remember. I should have to refer to my book to find out.

Q. Refer to what book to find out?—A. The city directory.

Q. And would you find that in the city directory?—A. It was given in last year and probably printed. I do not know. I never looked the case up.

Q. Would you find in the city directory the man named Murphy as proprietor of 1 and 3 Lowell street?—A. I can not tell you.

Q. That is what you learned there—from 1 and 3 Lowell street, from Mr. Murphy—that he was the proprietor?—A. That is true.

Q. Who mentioned the name Murphy to you first as being the proprietor of 1 and 3 Lowell street?—A. When I went around there—

Q. Pardon me. Who first mentioned that name to you as being the name of the man who was proprietor of 1 and 3 Lowell street?—A. Mrs. Murphy, if it is her.

Q. Mrs. Murphy did? Mrs. Murphy, at 1 and 3 Lowell street?—A. Yes, sir.

Q. Didn't you in your direct testimony say that the man you spoke to at 1 and 3 Lowell street was Edward J. Kane?—A. I can not remember.

Q. Can't you remember what you said within five minutes to Mr. Malley?—A. I never remember names.

Q. Can't you tell what you said within five minutes to Mr. Malley in answer to his question as to what the name of the man was who announced himself to you as the proprietor of 1 and 3 Lowell street in 1902?—A. No, sir.

Q. You can not remember?—A. No, sir.

Q. Is your memory so defective that you can not recall anything that you have announced as fact within five minutes on the stand?—A. I told you I never remember names.

Q. How are you able to say to me, in answer to my questions, that it was a man named Murphy who was the proprietor of 1 and 3 Lowell street if you can not remember names?—A. That was the name that was given me, and that is the only way I know.

Q. And you said that subsequently you called there and saw the husband himself, Mr. Murphy?—A. No; I did not.

Q. You never saw Mr. Murphy?—A. You mean this year?

Q. No; I mean 1902; 1 and 3 Lowell street.—A. I called twice; yes, sir.

Q. The first time you saw Mrs. Murphy at 1 and 3 Lowell street?—A. I did.

Q. And the second time you saw Mr. Murphy at 1 and 3 Lowell street?—A. Yes, sir.

Q. And Mrs. Murphy told you that her name was Mrs. Murphy when you called at 1 and 3 Lowell street?—A. Yes, sir.

Q. She told you that her husband and herself conducted business there?—A. She did.

Q. And she said she could not give you the names there herself? She said her husband was better posted than herself on the names there?—A. She did.

Q. You then called again and got the names from Mr. Murphy's lips?—A. Yes, sir.

Q. And you made a memorandum that Mr. Murphy was the proprietor of that number—1 and 3 Lowell street—and proprietor of a lodging house there?—A. I did.

Q. Now, didn't you tell Mr. Malley on the witness stand here that the man with whom you talked was Edward J. Kane, at 1 and 3 Lowell street?—A. I believe I did. I do not know. I think—I can not tell you how many names; I have Kane and Murphy also, but I could not tell you what I said to him.

Q. Didn't you say that it was Edward J. Kane who announced himself to you as the proprietor of 1 and 3 Lowell street?—A. Yes; I think I did.

Q. You did?—A. Perhaps I did.

Q. Well, now, why did you tell Mr. Malley that it was Edward J. Kane who announced himself as the proprietor of 1 and 3 Lowell street and then subsequently tell me it was a man named Murphy who announced himself as the proprietor of 1 and 3 Lowell street?—A. I do not know, unless you mixed me up. You see, these names are given to me—

Q. Isn't it a fact that it was because your memory is so sadly defective that you can not remember what happened within five minutes?—A. I do not pretend to remember everything.

Q. If you do not pretend to remember names, why did you attempt to answer to Mr. Malley's question, "Edward J. Kane was the man who announced himself as proprietor of 1 and 3 Lowell street?"—A. I think, if I remember rightly, there was a Kane there and she might have given me the name as being the proprietor.

Q. Didn't Mr. Malley, in the back room, mention to you the name of Kane?—A. He spoke of Kane, yes.

Q. Didn't he tell you that it was Edward J. Kane who was the proprietor of 1 and 3 Lowell street?—A. He did not tell me it was; he did not ask me.

Q. Didn't Mr. Malley tell you in there that Edward J. Kane was the name of the man who was proprietor of 1 and 3 Lowell street?—A. No, sir; he asked me if there was an Edward J. Kane there, and I told him I thought there was.

Q. How do you spell Edward J. Kane?—A. I did not spell it.

Q. Didn't you write it down and put it in the directory?—A. I told you I do not remember how I spelled the name a year ago.

Q. Now, you take the directory and see if you can find any Edward J. Kane. Find Edward J. Kane at 1 and 3 Lowell street in the 1902 directory [handing book to witness]. (Witness looks through book.)

MR. MORAN. You have had five minutes now, Mr. Witness. Will you tell me whether you find in that directory Edward J. Kane spelled either way?

THE WITNESS. I was looking the second time. I thought I discovered Edward J. Kane, 82 Boylston street, in two ways.

Q. That is a copy of the directory which was prepared and printed by your house?—A. 1902.

Q. That is a copy of the directory published by your house. How many months did you work taking the names in 1902?—A. How many months?

Q. How many months did you take the names in 1902?—A. The names are taken till April, perhaps, and then from April to the 1st of July the book is out.

Q. So that this book appeared in public perhaps about the 1st of July, the 1st to the 5th, 1902?—A. Yes, sir.

Q. Now, have you discovered the name Edward J. Kane spelled K-a-n-e, K-e-a-n, or K-e-a-n-e? There is no doubt it would be in this book?—A. Yes, sir.

Q. The fact that you do not find it in the book indicates that you were in error when you say that anybody gave you the name of Edward J. Kane at 1 and 3 Lowell street?—A. What is that?

(Question read by the stenographer.)

A. No, sir; not that I did not take the name. The name might have been taken and not get into the book, by mistake.

Q. So that is a fact that you may have taken a name and it not subsequently appear in the printed book?—A. It might possibly be.

Q. And in that instance you are sure that is a fact, aren't you?—A. No, sir; I could not say it is a fact.

Q. Now, what is your opinion now. Did you take the name Edward J. Kane, 1 and 3 Lowell street?—A. I could not tell you.

Q. You do not know? So, if you stated that you did to Mr. Malley, you now think that you were in error in so stating?—A. I say "might have taken that name there."

Q. But if you stated to Mr. Malley positively that you did take it, you now think that you were in error in so positively stating it to Mr. Malley?—A. I say I might have taken the name there.

Q. I do not ask you what you might or might not have done. Answer my question. Can't you answer it?—A. I say I might have taken the name and yet it not appear in the book.

Q. The fact that it does not appear in the book indicates to your mind now, doesn't it, that you were in error in swearing positively to Mr. Malley that you did take the name Edward J. Kane, at 1 and 3 Lowell street?—A. If I understand rightly, you say if a name is taken it has to appear in the book?

Q. I say nothing of the kind. I say to you, ask you, that question again: The fact that you do not find in this book the name Edward J. Kane, at 1 and 3 Lowell street, indicates to your mind now, doesn't it, that you were in error when, a little while ago, you swore to Mr. Malley that you took the name of Edward J. Kane, as of 1 and 3 Lowell street?—A. You ask me if I took the name at 1 and 3 Lowell street?

Q. I do not ask you any such thing.—A. That is what you did at first.

Q. Can't you understand my question?—A. I do understand it that way.

Q. I will say it to you again: The fact that the name Edward J. Kane, of 1 and 3 Lowell street, does not appear in this directory indicates to your mind, doesn't it, that you were in error when, a few minutes ago, you told Mr. Malley that you took the name Edward J. Kane, as of 1 and 3 Lowell street? Isn't that so?—A. I might have taken it, but I do not say I remember of taking it.

Q. Can't you understand the question? You do not find the name in the book, do you—Edward J. Kane, as of 1 and 3 Lowell street?—A. I do not find the name there.

Q. Doesn't that show something to your mind as to whether you have got the name of Edward J. Kane there?—A. It does not. I asked you a moment ago—

Q. Go ahead and tell everything you want to.—A. He asked me if I took the name of Edward J. Kane, if it shouldn't appear in the directory. That we can not answer. It might and might not. We can take names. We may get your name at a house or your wife may give it, yet it is not an infallible point that that name should get in the directory that year. The printer might make a mistake; the proof reader might make a mistake and leave it out.

Q. Is it a common error committed by some one connected with the business, when they publish a directory, to leave out the names turned in by their solicitors?—A. If I answer you one way—is it a common error? It is not a common error.

Q. Is it a common occurrence?—A. In 42,000 names going into the directory there may be some left out. In all probability there might be.

Q. Now, from the directory given you will you swear there was any Edward J. Kane's name given you from 1 and 3 Lowell street?—A. No, sir; I won't unless I went over my records.

Q. How are you able to swear that the name was given you from 1 and 3 Lowell street?—A. Only from my memorandum.

Q. Had you up to the time Mr. Malley gave you the name of Kane in the back room remembered the name of Kane in connection with 1 and 3 Lowell street?—A. I remember the name Kane, but I could not in connection with 1 and 3 Lowell street.

Q. That is, you remember somebody, somewhere, had given you the name of Kane, but you could not remember whether it was 1 and 3 Lowell street till Mr. Malley talked to you in the back room?—A. That is right.

Q. After Mr. Malley gave you the name of Edward J. Kane you connected it with Edward J. Kane at 1 and 3 Lowell street in your mind?—A. No, sir.

Q. Have you ever connected the name of Edward J. Kane with 1 and 3 Lowell street?—A. That is a fine point to consider. I can not say.

Q. If you did not have the name Edward J. Kane connected in your mind with 1 and 3 Lowell street, why did you give the name Edward J. Kane to Mr. Malley in answer to one of his questions while you were on the witness stand as to who asserted himself as proprietor of 1 and 3 Lowell street?—A. I do not know as I did.

Q. Didn't you give the name of Edward J. Kane to Mr. Malley, on the witness stand here, as the asserted proprietor of 1 and 3 Lowell street?—A. I remember Mr. Murphy's name.

Q. Find the name of Murphy at 1 and 3 Lowell street, then, in that directory.—A. It is a pretty hard thing to do.

Q. You can find it if it is there.—A. There are a great many Murphys.

Q. There are at 1 and 3 Lowell street?—A. We do not hunt their names in that way.

Q. I asked you to look for it now.—A. We do not hunt names in that way.

Q. You say you got the name Murphy from Mrs. Murphy, 1 and 3 Lowell street, and also from Mr. Murphy, that he was the proprietor. Now, I ask you to find the name Murphy that you got from Mr. and Mrs. Murphy, 1 and 3 Lowell street. Find it in that directory.—A. You know very well that we do not find names in the directory that way.

Q. I ask you to do it if you can.—A. We do not do it that way.

Q. You try it and see if you can do it.—A. I tell you I do not remember names, and in order to find the names for any particular number of a house you have got to know the first name.

Q. Can't you look at the first name and see Murphy and run it down till you find 1 and 3 Lowell street?—A. The first name isn't Murphy.

Q. The last name is Murphy. Can't you take and turn to the name Murphy in the directory. Take the first name Murphy that you find in the directory and run the names down. Can't you do that?—A. No, sir.

Q. You can not, then I will show you how and then let you do it. Find the name Murphy in there and I will point out the first one to you.—A. You said the first name Murphy.

Q. Do what I tell you, won't you?—A. No, sir; because there is no first name of Murphy. There is Frank Murphy and Jeremiah Murphy, but there is no first name Murphy.

Q. Nobody said there was.—A. You said there was.

Q. There is the name Murphy, where it first appears in this directory, isn't it?—A. That is not the first name.

Q. Answer my question. There is the name Murphy, where it first appears in this directory, isn't it?—A. Yes, sir.

Q. The first name Murphy there is Albert Murphy, of 64 Circuit street, isn't it?—A. Albert is his first name. Murphy isn't the first name.

Q. The first name in this directory. The first Murphy name is "Murphy, Albert, motorman, 64 Circuit street."—A. You say it is.

Q. Now, run down that list of Murphys until you find a Murphy who lives or did live at 1 and 3 Lowell street.—A. Am I to run down that list.

Mr. MALLEY. I do not know.

Mr. MORAN. You have got to testify and you are paid for it under summons by the United States process.—A. If I went through the list of Murphys, which is 12 pages of Murphys—you asked me the question before.

Mr. MORAN. You will go through it before you leave the witness stand.

The WITNESS. You asked me before if the name was taken in the directory, and I told you I might take a name at your house, your name, Murphy, and it might not be put in the directory.

Q. Are you afraid in looking down that list that you won't find the name Murphy, 1 and 3 Lowell street?—A. I am not afraid.

Q. Then why don't you?—A. It will take considerable time.

Q. Suppose it does.—A. But that won't answer your question whether there is a Murphy in the directory.

Q. I wasn't asking you about the one you went to find.—A. I might not find it.

Q. You know you won't, don't you?—A. No, I do not, because—

Q. Why not?—A. Because, as I said before, if I go to a house and get a man's name it may be omitted, and that name might not appear in the directory.

Q. Are you afraid to look for the name Murphy at 1 and 3 Lowell street?—A. No, sir; I am not.

Q. Why not?—A. Because the name might have been given to me and then not appear in the book.

Q. Start with the name there, the first one, and run down the list. It won't take you three minutes. [Witness does so.] Have you finished the Murphy list?—A. I have finished the Murphy list.

Q. Have you found any Murphy at 1 and 3 Lowell street?—A. I have not.

Q. So, if anybody gave you the name of Murphy at 1 and 3 Lowell street, it never got into the directory?—A. No, sir.

Q. How do you account for that?—A. I told you before that a name might be given and yet not be in the directory.

Q. When did you begin to take names in 1902 for the directory?—A. In the middle of February.

Q. Did you go alone?—A. Certainly.

Q. And how long did you continue at work before you finished that labor?—A. Of checking names?

Q. Yes.—A. I could not tell you exactly.

Q. Did you do it from February till the latter part of April?—A. No, sir.

Q. From the 1st of February until when?—A. I do not remember.

Q. One month or two months in 1902, were you working at it, taking names?—A. I do not remember.

Q. One month or six months were you working at it?—A. I do not remember.

Q. One month or ten months were you working at it in 1902?—A. I do not remember.

Q. You do not remember?—A. No, sir.

Q. How many thousand names did you take in 1902?—A. I don't remember.

Q. How many thousand do you think you took in 1902?—A. About 2,000—

Q. Only 2,000?—A. New names.

Q. I do not ask you new names? How many names did you take?—A. I could not tell you.

Q. Haven't any idea, have you?—A. Haven't any idea.

Q. For the purposes of your business you wanted residents of the house, his business and place of business, did you?—A. Certainly.

Q. And you got that information from various sources. Sometimes from the man himself who lived in the house, sometimes from anybody else who lived in the house and happened to answer the door bell, and sometimes from a neighbor. That is so, isn't it?—A. Yes, sir.

Q. Did you see the number 1 and 3 Lowell street over the door?—A. Yes, sir.

Q. You saw 1 and 3 on the glass panel?—A. I could not tell you whether it was glass or not.

Q. Well, you saw it. You looked at it, didn't you?—A. Yes, sir.

Q. 1 and 3?—A. No, sir; not 1 and 3; 1 is a separate house and 3 is a separate house.

Q. Now, then, didn't you take them separately?—A. No, sir.

Q. Did you go up into No. 3 and 1?—A. I went into No. 1.

Q. You went up in the house numbered 1?—A. Yes, sir.

Q. Did you go up into the house?—A. I went up into the house.

Q. Did you go into No. 3?—A. No, sir.

Q. What time in the day did you go there in 1902?—A. I can not tell you.

Q. What month did you go there in 1902?—A. I can not tell you.

Q. What day of the month did you go there in 1902?—A. I could not tell you.

Q. Was it a rainy day or pleasant day when you went in 1902?—A. I could not tell you.

Q. You hadn't anything on your mind to fix the date that you went there to 1 and 3 Causeway street at that time?—A. Yes, sir; 1 and 3 Causeway street?

Q. 1 and 3 Lowell street, and 19 Causeway street, is my question. Did you have anything to call your attention to those places at that time?—A. Yes, sir.

Q. What was it?—A. What do you want? What the occasion was?

Q. What was it that attracted your attention particularly to those places at that time?—A. Which one? If you wish to know one at a time. At 1 Lowell street the wife said her husband was sick, and I found that he was. That was the reason that I fixed in my mind the moment.

Q. Why might not that have been number 10 Lowell street, instead of 1?—A. Because I called there twice, and that is the reason I remember that.

Q. Is that the only house that you called at twice? On Lowell street?—A. Oh, no.

Q. Then why do you fix on No. 1 particularly as being the one where there was a sick man when you called at various houses on that street?—A. Because I remember faces very well.

Q. Whose face do you remember?—A. I remember her face.

Q. Mrs. Murphy?—A. The lady who called herself the proprietress of the house.

Q. She said she was the proprietress when she gave her name?—A. She did not give her name. She said that her husband, when I saw her husband, would give the names.

Q. Did you ask what her husband's name was?—A. I did not.

Q. Had you a directory with you of the preceding year?—A. Yes.

Q. Did you open it and say, "Doesn't Mr. Murphy, John Murphy, or Pat Murphy, or whatever his name, does he live here this year?"—A. No, sir.

Q. Did you ask her any questions about it at all?—A. No, sir.

Q. Did you want to know whether Murphy lived there or not?—A. We never ask that way.

Q. What did you ask about of Mrs. Murphy at 1 and 3 Lowell street? Was Mrs. Murphy the one you saw there at 1 and 3 Lowell street?—A. I said a woman.

Q. What was her name?—A. I do not know her name.

Q. What name did you consider her name? What name do you apply to her now when referring to her?—A. I remember her face, but I do not remember her name.

Q. What name do you apply to her name? What name do you apply to her now?—A. For your enlightenment I will say that when a man goes to a house for the names we never ask, "Does John Smith live here?" We ask what is the husband's name, and we get the information.

Q. Didn't you get the husband's name from her?—A. I told you he was sick.

Q. Did you get his name from her?—A. I did not.

Q. Did you get it from him?—A. I did.

Q. What was it?—A. I do not remember.

Q. Was it Smith?—A. I can not remember.

Q. Was it Harrington?—A. I do not remember.

Q. Any of those names you do not remember. When you went to 19 Causeway street whom did you see there?—A. I saw a man.

Q. What name did he give you?—A. I do not remember.

Q. Was it Smith?—A. I do not remember.

Q. Jones?—A. I do not remember.

Q. Murphy?—A. I could not remember.

Q. Kane?—A. I could not remember.

Q. Haven't any idea what it was? Did you see his wife?—A. I do not think I did last year.

Q. 1902 I am asking you about, Mr. Witness?—A. Yes, sir.

Q. In 1902 did you go to the Hendricks Club?—A. I did.

Q. Where is it?—A. It is No. 2 Lowell street.

Q. Whom did you see there?—A. Last year?

Q. Yes, 1902.—A. The janitor.

Q. What was his name?—A. I could not say.

Q. What name did he give you?—A. I could not say.

Q. What time in the day did you see him?—A. I could not say.

Q. What day was it that you saw him?—A. I could not tell you.

Q. What month was it you saw him?—A. I could not tell you.

Q. What names did you write down?—A. I could not tell you.

Q. Did you write any down?—A. I did.

Q. How do you know you did if you can not remember them?—A. I remember we took the names there.

Q. How do you know you took any names if you can not remember them?—A. I do not remember the names. I told you I do not remember names.

Q. Have you any idea what the names were?—A. Yes, sir.

Q. Give me the names that you remember?—A. Martin M. Lomasney.

Q. What?—A. That is the only one I remember.

Q. Now, don't you recollect Martin Lomasney's name as having his place of business there?—A. Yes, sir.

Q. Don't you also recollect that Martin M. Lomasney lived elsewhere?—A. Yes, sir.

Q. Look in your directory for Martin M. Lomasney and state to me what is there in the directory in relation to him in 1902. [Witness does so.] A. Martin M. Lomasney, real estate, 2 A Lowell street, house 27 McLean street.

Q. Are you able to find in that directory any place, the name of any other person doing business at or living at 2 Lowell street?—A. No, sir.

Q. Is 2 Lowell street a dwelling house?—A. I should judge not.

Q. 2 A Lowell street, after Mr. Lomasney's name in the directory, means that is where his business is, doesn't it?—A. That is what the directory shows.

Q. Do you know whether anybody else was doing business there or not?—A. I could not tell you.

Q. You supposed that the janitor was doing business there as a janitor?—A. Certainly.

Q. And you desired to get his name and have it put down in the directory as his place of business?—A. You asked me a question?

Q. It was your desire in 1902, if there was a janitor working at that place, for it to appear in the directory that there was a janitor there and that was his place of business?—A. Yes, sir; certainly.

Q. Now, do you remember when you found out there was a janitor working there in 1902?—A. Yes.

Q. And of course you put that down in the directory?—A. Yes, sir.

Q. You do not remember where the man said he lived, do you?—A. I do not.

Q. How many names did you get from 10 Lowell street in 1902?—A. I could not tell.

Q. How many names did you get from No. 8 Lowell street in 1902?—A. I could not tell you.

Q. How many did you get at No. 4 Lowell street in 1902?—A. I could not tell you.

Q. How many did you get at 2 Lowell street in 1902?—A. I can not remember.

Q. Didn't you tell Mr. Malley you got three names from No. 2 Lowell street in 1902?—A. I told Mr. Malley I thought I got about five names.

Q. Why do you think you got about five names?—A. Because I ran over in my mind how many names I took there.

Q. How many did you get in No. 10 Lowell street that year?—A. I have to place the location, if I can remember it.

Q. How many did you take from No. 8, do you think?—A. Some place I remember.

Q. Never mind that. How many did you take from No. 8? Answer my question; how many names did you take from No. 8?—A. No. 8 is a Jewish place, I think, and I do not remember; there was tenements upstairs.

Q. How many do you think from No. 6?—A. I do not remember.

Q. What?—A. I do not remember.

Q. How many do you think from No. 4?—A. I do not remember.

Q. How many do you think you took from No. 2?—A. I do not remember.

Q. You do not remember when I ask you the question. Why did you say a while ago, when you answered M. Malley's question, that you thought there were five from No. 2; while now you tell me that you do not remember?—A. You might ask me how many I thought I took from No. 16 or from No. 18.

Q. Answer my question; why do you make one statement to Mr. Malley as the result of your talk, and then tell me just the opposite in answer to a similar question?—A. I told you I thought I took about five names, if I remember rightly.

Q. Didn't I just ask you how many you thought you took from No. 2, and you say you can not tell?—A. I say I told you first I thought five names.

Q. Why do you think about five?—A. Because there were Mr. Lomasney and the janitor, and then, if I remember rightly—

Q. Two.—A. The janitor gave me—well, I can not say—two or three names above that.

Q. Persons who worked there?—A. That I can not tell, whether they worked there or whether they slept there.

Q. You did not write down any men that lived in that building, did you?—A. I can not tell you that.

Q. You do not know whether you did or not?—A. I do not know whether I did or not.

Q. You would not write down people who lived in the building in a building that was not peopled?—A. That building was employed upstairs as a frame shop, and that is what misleads me in my mind. Ten years ago that was a frame shop there.

Q. How does it mislead you?—A. Because then I used to get something like 16 or 20 names.

Q. So when you answered Mr. Malley's question as to how many names you got from No. 2 Lowell street in 1902 you were misled in your answer by a recollection of what happened ten years ago in the same building?—A. Up to the time they changed the rooms there.

Q. When was that?—A. I could not tell you exactly.

Q. You are still misled by that recollection of ten years ago, aren't you?—A. As to the number of names; yes, sir.

Q. What man gave his name to you at No. 15 Causeway street in 1902?—A. I don't have 15 Causeway street.

Q. 49 Causeway street?—A. I do not have 49 Causeway street.

Q. How many numbers do you have on Causeway street?—A. Seventy-two.

Q. Seventy-two numbers? Running from what to what?—A. I have forgotten the first number, but they are the even numbers.

Q. They are all even numbers?—A. Yes, sir.

Q. How could you answer Mr. Malley's question as to 19 Causeway street if you had nothing to do with the odd numbers on that street?—A. If you will let me see the directory I will tell you exactly.

Q. How are you able to answer Mr. Malley's questions as to 19 Causeway street if it is a fact that you have nothing to do with any houses except the even numbers on Causeway street?—A. There is a point that I have to refer to the directory. As I told you I do not remember names or the numbers of the people in the houses, or the numbers; but my number, my district, is on the Falmouth side of Causeway street, and I can tell you by looking up in the directory what my numbers are.

Q. Do you now say you were taking the even or the odd numbers on Causeway street in 1902?—A. I think it was the even numbers; I can tell you by looking in the directory.

Q. In a few minutes I will let you have it. When Mr. Malley was asking you questions were you then of the opinion that you took only even-numbered houses on Causeway street in 1902?—A. Yes, sir.

Q. Do you remember that Mr. Malley asked you about how many persons you received the name of in 19 Causeway street in 1902?—A. He did not ask me.

Q. He did not ask you that?—A. No, sir.

Q. What number Causeway street did he ask you about?—A. He did not ask me any.

Q. What? Do you say now that you did not answer any question from Mr. Malley while you were on the witness stand in relation to any house on Causeway street?—A. 16 I think the number was.

Q. 16 was the house you were testifying to, was it, in answer to Mr. Malley's question?—A. Yes, sir.

Q. Do you know that there isn't any claim of anything illegal being done at No. 16, but that the claim is in relation to No. 19 Causeway street?—A. I can remember a house, but I do not remember a number.

Q. Whose house do you remember?—A. I remember Mrs. Bailey's house.

Q. Did you give her name before in this case?—A. No, sir.

Q. Didn't you give the name of a man named Michael Murphy at 19 Causeway street?—A. I gave the name of Michael Murphy, but I can not remember the number.

Q. Didn't you swear that at 19 Causeway street you got the name of Michael Murphy, in answer to Mr. Malley's question?—A. I do not know as to that.

Q. You don't know as to that? Were you testifying about 16 Causeway street

when you were answering Mr. Malley's question, or were you testifying about No. 19?—A. I do not remember the number.

Q. Which house were you testifying to, the even numbered or the odd numbered, when you were answering Mr. Malley's questions on the witness stand?—A. I remember the house.

Q. Which house were you testifying about, the even numbered or the odd numbered?—A. I would have to look at my record to find out.

Q. What record do you have to look at to find out?—A. My directory.

Q. You did not have the directory in the court room till I presented it to you?—A. No, sir; but that is my record.

Q. Are you not as able to answer me without seeing the directory as you were to answer Mr. Malley without seeing it?—A. Mr. Malley did not ask me the question.

Q. Didn't Mr. Malley ask you if you saw any person at No. 19 Causeway street?—A. He asked me if I saw anybody at 2 Lowell street, and 1 and 3.

Q. Didn't he ask you if you saw anybody at 19 Causeway street? Say yes or no.—A. I do not remember.

Q. Do you remember that he asked you any questions about any house on Causeway street?—A. I do not remember.

Q. You do not remember. Have you absolutely forgotten all that Mr. Malley asked you about as to Causeway street, and all your answers to him. Have you? Say yes or no, if you have absolutely forgotten all about it.—A. No, sir.

Q. Do you remember some of the questions that he put to you as to Causeway street? What?—A. Yes, sir.

Q. What house did he ask you any questions about on Causeway street?—A. I think it was 16.

Q. You think it was 16. And all the answers that you gave related to 16 Causeway street, didn't they?—A. 16 or 19; I can't remember which. I do not know the numbers; I know the house, and I know the name.

Q. Whose house do you know?—A. I say I remember Mrs. Bailey.

Q. It was not Mrs. Michael Murphy?—A. I remember Mr. Murphy's house.

Q. You remember Mr. Murphy's house also, as well as Mrs. Bailey's?—A. That is I think it was Mr. Murphy. As I told you, I remember the man, but I can not remember the name.

Q. What man do you remember?—A. The man who gave me the names in the house.

Q. What names in the house did he give you?—A. I told you I can not remember.

Q. What did he give you as his own name?—A. I can not remember.

Q. What house was he talking about when he gave you any names?—A. His own house.

Q. What number?—A. That is the house that he lived in.

Q. What number?—A. I say that I can not remember the name of the house—the number of the house.

Q. All that you know about Causeway street is that you walked up and down and took the names on one side of the street or the other, and whatever names you got you compared with the old directory, and if they appeared to be new names you made out some slips in relation to them and turned them in to the company you worked for?—A. That is what we do; yes, sir.

Q. Isn't that all that you remember that you did in relation to Causeway street?—A. That is all we do to any street.

Q. I will ask you to answer my questions if you stay here till next week. I have a right to ask my questions and you have got to answer them. Isn't it a fact that all you now remember in relation to Causeway street, as to what you did on it in 1902 for the purpose of preparing for the directory of 1902, was to walk up the street, speak to the persons in the various houses on the side of the street that you were working on, get their names and compare with the old directory you had in your possession, and if they appeared to be new names put them on this little slip in your book and subsequently turn them in to headquarters?—A. Yes, sir.

Q. And you have no recollection about what occurred at any particular house, or what was said to you about any particular name or man, have you, on Causeway street?—A. Yes; I have recollection of some.

Q. What have you a recollection of as happening on Causeway street? What do you remember as happening on Causeway street in 1902? Give me the name of a man and the front of the house in which it happened.—A. There was two houses there, one each side of a saloon underneath.

Q. Whose saloon?—A. That I can not tell you unless I look in the directory. I told you I do not remember names.

Q. What else do you remember? Tell us the house on each side of the saloon.—A. I am pretty sure one is Mrs. Bailey's.

Q. You are pretty sure Mrs. Bailey lives one side of the saloon?—A. And there is a Mr. Murphy on the other side.

Q. What are the numbers on that side? Even or odd?—A. I can tell you from looking at the directory.

Q. No. From your recollection, even or odd?

(Witness looks at memorandum.)

Mr. MORAN. Have you got any notes up there to refresh your recollection, Mr. Witness?

The WITNESS. Only about numbers on the streets.

Q. Anything written down on those sheets besides the numbers of streets?—A. No, sir.

Q. Nothing else?—A. No, sir.

Q. Were you traveling the even-numbered side of the street in 1902 at your work on Causeway street?—A. I am under the impression that my numbers were the even numbers on Causeway street.

Q. You are under the impression now, after due and deliberate thought and examination of the memorandum book, that your numbers were the even numbers on Causeway street in 1902. Therefore it would be impossible for you to tell us anything about the odd-numbered side of Causeway street, would it?—A. I am under the impression—

Q. Assuming that your impression coincides with the fact that it would be impossible for you to give us any information as to the odd-numbered houses on that street, wouldn't it?—A. If I am on the even it would, yes, sir; but I remember the houses.

Q. But your recollection is, and you are borne out in your recollection by refreshing your memory from the memorandum book a couple of minutes, that in relation to it your recollection of it is that it was on the even-numbered side. Therefore your recollection of it is that it was not on the odd-numbered side. That is right, isn't it? It is right, isn't it? Can't you tell me whether that assumption is right or not?—A. I will answer one question. You said refreshing my memory. I have nothing here to refresh it on. And, in the second place, you ask the number of the house, but I can not tell the number. I can tell you by looking at the directory for my side of the street what my numbers were.

Q. There is the directory for 1902.—A. If you had asked me Lowell street, I can tell you both sides of it.

Mr. MORAN. I do not ask you that.

Q. Look at the directory.—A. It is the even numbers—16 Causeway.

Q. Now, having refreshed your memory, you know that you worked on the even-numbered side of Causeway street?—A. Yes, sir.

Q. Now, I ask you, didn't you in answer to questions put by Mr. Malley testify in reference to 19 Causeway street?—A. No, sir. I can not remember that.

Mr. MORAN. Mr. Stenographer, turn back to your notes of Mr. Malley's questions in relation to 19 Causeway street and read them to this witness.

(Question found and read by the stenographer.)

Q. Do you now remember after the stenographer reads a portion of that question in reference to Mr. Malley's question in relation to Causeway street, that you testified to 19 Causeway street?—A. I now remember—

Q. And that you answered questions in relation to it?—A. I could not say as to the No. 19.

Q. Didn't you just hear the stenographer read the question put by Mr. Malley to you in relation to 19 Causeway street?—A. I did.

Q. Did you answer that question when Mr. Malley put it to you?—A. I do not remember whether it was 19 or 29 or what it was.

Q. How can you answer any question in relation to 19 when you did not travel on that side of the street?—A. I know it was a number somewhere, 16 or 19—

Q. How can you answer any questions in relation to 19 when you did not travel on that side?—A. I thought it was 16.

Q. Do you mean to tell me, in answer to his question in relation to No. 19 that you answered in relation to 16 when you thought it was 16 instead of 19?—A. Because I did not hear the number.

Q. Did you hear the number 19 when he pronounced it?—A. Yes, sir; I think so.

Q. Then didn't you answer in relation to 19?—A. I presume I did.

Q. Then why did you answer in relation to 19 when you did not know anything about 19?—A. Because I thought it was 16.

Q. Didn't you hear 19, and not 16, pronounced by Mr. Malley in his question?—A. I may have and not remembered it.

Q. Didn't you know when he pronounced 19 that it was 19 that he was asking

you about?—A. That Causeway street—I was there a long time and the names I haven't in my mind.

Q. I am not asking you about any names; I am talking about numbers.—A. Well, the numbers, too.

Q. When you answered Mr. Malley's question in relation to 19 you had not looked at the directory?—A. No, sir.

Q. And you did not know which side of the street you had worked on?—A. There are two large houses there.

Q. Answer my question. I do not ask you about houses. Did you know when you were answering Mr. Malley's questions, whether you worked on the odd or even numbered side of the street?—A. I do not remember as to that.

Q. So that all the answers you gave to Mr. Malley in relation to No. 19 Causeway street were wrong?—A. Applies to No. 16.

Q. It applies to No. 16?—A. Yes, sir.

Q. Didn't you also say to Mr. Malley that there was a man named Michael Murphy who gave you his name as the proprietor of 19 Causeway street in 1902?—A. That man is at No. 16.

Q. He lives at No. 16, does he?—A. Yes.

Q. What is his full name?—A. I could not tell you.

Q. Didn't you swear it was Michael Murphy, in answer to Mr. Malley's question?—A. He asked me if I could remember.

Q. Didn't you say Michael, in answer to his question as to whether you could remember or not?—A. I could not tell you that.

Q. Don't you remember that you said Michael?—A. No, sir.

Q. I will refresh your memory from my notes: "19 Causeway street," "I think it Michael Murphy." Didn't you give the name Michael Murphy as the name you thought was given to you?—A. I could not tell you.

Q. Look at No. 16 Causeway street and see if you can find it.—A. I can not say whether I said it was Michael or not.

Q. I ask you to look for Michael. The notes will show what you said. [Handing book to witness.]

MR. MALLEY. I wish it noted on the record, in order to save time in this hearing, and save the record, that Mr. Moran asked the witness to look at the directory, and I say it is for the purpose of delay, and I wish it to go on the record.

Q. Look under the title Murphy, for Michael Murphy, and when you find a Michael Murphy look down the list of Michael Murphys and see if there is any one of them from 16 Causeway street.

(Witness does so.)

Q. You do not expect to find the name of Murphy in the front part of that book, do you?

(Witness continued to look.)

Q. Michael Murphy is the only name I asked you to look for. You do not find any Michael Murphy from 16 Causeway street, do you?—A. No, sir.

Q. Now, are you sure you got a man named Michael Murphy from 16 Causeway street in 1902?—A. No, sir.

Q. You do not know now whether anybody named Michael Murphy, or Murphy, gave you their name?—A. Yes, sir.

Q. Who gave you the name, and what name, at 20 Causeway street?—A. 20; I do not remember.

Q. 22?—A. I do not remember.

Q. 24?—A. I do not remember.

Q. 34?—A. I do not remember.

Q. 44?—A. I do not remember.

Q. 50?—A. I do not remember.

Q. 16?—A. I do not remember.

Q. 18?—A. I do remember from 16.

Q. You just told me you do not, didn't you?—A. 16 I remember.

Q. Well, 16 is the only one you remember?—A. Well, I remember it now.

Q. No. 6?—A. No, sir.

Q. You do not remember?—A. No, sir.

Q. No. 2?—A. I do not remember it.

Q. You do not remember any number beside 16?—A. Yes, sir.

Q. What other number? What other number?

(Witness looks at book.)

Q. Don't look in that directory. I am asking you to answer my question?—A. I remember Mrs. Bailey.

Q. What number?—A. Well, I can tell you by—I have to refer to my notes.

Q. You haven't any notes, have you?—A. Yes, sir.

Q. Where are your notes?—A. In there.

Q. That is the public directory?—A. That is my notes.

Q. Have you seen the name of Mrs. Bailey in that directory?—A. No, sir; but I have seen it for the last five or six years.

Q. Have you seen it now?—A. I took it last year.

Q. What is her first name?—A. I could not tell you.

Q. Look in it and give it to me?

(Witness looks at book.)

A. Lizzie.

Q. What?—A. Lizzie Bailey.

Q. What number?—A. 36 Causeway.

Q. Lizzie, at No. 36. Now, a little while ago you told me Mrs. Bailey lived next door to a barroom on one side, and Mr. Murphy lived on the other side at No. 16. Now you tell me that Mrs. Lizzie Bailey lives at No. 36. How do you reconcile those statements?—A. If I remember correctly 16 comes next to Knight's barroom, or near there, and Mrs. Bailey's comes next to the barroom down below—

Q. Next to whose barroom?—A. Or near it. There is a barroom down there. I do not know the numbers, but I know the location.

Q. Didn't you, in answer to my question, say that there was a man at 16, and next to the barroom, and Mrs. Bailey was on the other side of it?—A. I said near it. I do not think I said next to it, to the same barroom. No, 16, if I remember rightly, comes near Knight's.

Q. I ask you how those two statements can be true?—A. I say No. 16 comes near Knight's, and Mrs. Bailey comes next to the other one.

Q. Who mentioned Knight's place to you?—A. Nobody.

Q. And it is the only place that has not been talked over with you on Causeway street?—A. There has not been anything talked over.

Q. Do you mean to deny to me that Mr. Malley and you talked over the names of Causeway-street people and Lowell-street people in there in that back room?—A. I told you that he spoke to me—

Q. Do you deny that he talked it over?—A. No, sir.

Q. Then, somebody has talked it over with you?—A. In there.

Q. Mr. Malley and you talked over the names of a man named Kane and a man named Murphy on Causeway and Lowell streets, didn't you?—A. Yes, sir.

Q. The name of a man named Murphy in connection with Lowell street and a man named Kane in connection with Causeway street got into you mind in connection with the talk with Mr. Malley in the back room. How did those names fix themselves in your mind?—A. Because you tried to tell me a thing that I do not remember—whether I remember the name of Murphy being on Causeway street—and I also remember the name being on Lowell street. But, the 16 Causeway street, the name there is Daniel Murphy. That is the one I tried to think of. I could not remember the name.

Q. Who?—A. Daniel Murphy, at 16 Causeway street.

Q. That is the man whose name you got?—A. Yes.

Q. And that is the man we have been talking about?—A. Yes, sir.

Q. And all the answers which you gave to Mr. Malley in relation to Causeway street related, you now say, to No. 16 Causeway street, and to Daniel Murphy, who lived there?—A. He was the one who gave me the names, probably.

Q. All the answers which you gave to Mr. Malley in relation to the No. 16 house or houses, you now say related to and did relate to one number, which is 16 Causeway street, and Daniel Murphy, who appears by the directory to have lived there in 1902. That is so, isn't it?—A. Yes, sir; 16.

Q. What side of the street were you on on Lowell street?—A. I had both sides of Lowell street.

Q. How many numbers on Lowell street?—A. I do not remember.

Q. How many do you think?—A. I can tell you very quickly.

Q. Look in the front of the directory.—A. (Looking at directory) 101.

Q. What?—A. 101.

Q. There are 101 numbers?—A. Yes, sir.

Q. Now close the book. [Witness does so.] In 1902 what was the name of the man at 101 Lowell street? Do not look in the book; your memory; testing your memory.—A. I do not remember.

Q. 100?—A. I do not remember.

Q. 99?—A. If you want me to go by location.

Q. Answer my question, sir.—A. I do not remember.

Q. 88?—A. I do not remember.

Q. 4?—A. I do not remember.

Q. 2?—A. I do not remember.

Q. 11?—A. I do not remember. 2?

Q. You said you did not remember. 2?—A. Lomasney lives No. 2.

Q. Lomasney at No. 2 Lowell street?—A. Or 2 b. I do not remember exactly.

Q. Well, 2 b and 2 are different places, aren't they, down there?—A. I won't be sure what the number is; it is 2 or 2 b.

Q. It is 2 a, isn't it?—A. Perhaps it is 2 a.

Q. It may be 2 c?—A. There are no 2 c's. It is 2 a or 2 b.

Q. How many names were given you from No. 10 Lowell street in 1902?—A. I do not remember.

Q. How many do you think?—A. Do you want me to make a guess?

Q. Not a guess. I mean think.—A. Well, if I remember rightly, it is a few place and a store in the place, with the tenements in all of these, perhaps six or seven through the house. I could not tell you, only I know—

Q. No. 4?—A. I could not tell you.

Q. Have you any idea?—A. I could not tell you.

Q. You will have to guess at it?—A. I will have to guess.

Q. So, in answer to any question I put to you as to how many persons were told you lived in any house on Lowell street, you would have to reply to me "I can not remember, but I might guess." Is that right?—A. Yes; in a way. Some of the places, though, I do remember, when I come to think of it—

Q. Were you down there last night on Lowell street?—A. No, sir.

Q. Have you been there recently?—A. Yes.

Q. With anybody connected with this case?—A. No, sir.

Q. You know Mr. Harrington?—A. No, sir.

Q. You saw the gentleman sitting here?—A. I did not know who he was.

Q. Well, the lawyer who is in this case with Mr. Malley?—A. I never saw him that I know of.

Q. Were you down in that vicinity last night?—A. No, sir.

Q. Were you down there at any time except when you have been performing the work for this company that you are working for?—A. No, sir.

Q. Never been there at any time?—A. Never—why, I go through Lowell street often.

Q. You live down there?—A. No, sir.

Q. Do you know Mr. Conry?—A. No, sir.

Q. What do you say was given to you at No. 5 Lowell street as to the proprietor?—A. I did not say.

Q. Well, do you say?—A. No, sir.

Q. What name was given to you at No. 7 as proprietor?—A. I do not remember.

Q. What?—A. I do not know.

Q. What name was given to you at No. 3 as proprietor? Please answer the question.—A. (Pause.) I think last year she gave me—

Q. 1902 I am talking about, and the only year I am talking about.—A. Murphy.

Q. What was the first name, if you remember?—A. I do not remember.

Q. Well, it was not Edward J. Kane, was it?—A. I can not remember. Only I—

Q. Pardon me; it was not Edward J. Kane that was given you as the name of the proprietor of No. 3, was it?—A. I do not remember.

Q. You have just told me it was Murphy, haven't you?—A. Yes, sir.

Q. And you remember it was Murphy, and you swore it was Murphy, didn't you?—A. I remember last year it was given me as Murphy.

Q. 1902? That is what I am talking about.—A. Yes, sir.

Q. Now, I ask you again, having sworn it was Murphy she gave you as the proprietor of No. 3 Lowell street in 1902—I ask you now if it was not Edward J. Kane?—A. She gave me—

Q. Answer my question. Wasn't it Edward J. Kane that was given to you as the name of the proprietor in 1902?—A. No, sir; I can not remember.

Q. It was not?—A. I can not remember.

Q. Was it Edward J. King—K-i-n-g?—A. No, sir.

Q. It was not?—A. I do not remember.

Q. Look in that directory and look up Edward J. King.—A. I do not remember [looking at book].

Q. Do you find Edward J. King there?—A. No, sir.

Q. Look at Edward J. K-a-n-e in there. [Witness does so.] Do you find it?—A. No, sir.

Q. You do not?—A. No, sir.

Q. How many years has the man whom you saw at No. 3 Lowell street in 1902

been there as proprietor, to your knowledge?—A. I could not tell you. I should say, by guessing, a rough guess, three or four years.

Q. Now, if you should learn that his name was Edward J. Kane, should you say that his name hadn't appeared in the directory during the four years he has been there as proprietor?—A. I can not tell; it might have been.

Q. If Edward J. Kane had been at that house as proprietor for the last four years can you explain to me how you did not get his name in the directory?—A. It might be left out from carelessness of the proof readers or carelessness of the printer.

Q. So, then, the directory is not reliable, is it?—A. Not infallible.

Q. Well, it is not safe to rely upon it?—A. Yes.

Q. Is it safe to rely on that to tell whether Edward J. Kane lived there in 1902?—A. If his name appeared there I should say it was reliable.

Q. If his name did not appear there is it safe to assume that he did not live there?—A. If his name does not appear—

Q. If his name does not appear in the directory that you have your hand on is it safe to assume that he did not live there?—A. No.

Q. If his name is in the directory it is safe enough to assume that he was there?—A. If his name is there—

Q. I did not say if his name is there. If his name is found in the directory is it safe to assume that the man lived in the place designated in the directory?—A. Yes, sir.

Q. But the converse of that is not true?—(No reply.)

Q. You do not know what I mean by that?—(No reply.)

Q. You do not know what that means, then I will withdraw it. How many persons lived in number 7 Lowell street in 1902?—A. I could not tell you.

Q. How many do you think?—A. I could not tell you.

Q. How many lived in 47 Lowell street?—A. I could not tell you.

Q. How many lived in 3 Lowell street?—A. I could not tell you.

Mr. MORAN. I will let you stay right there.

Mr. MALLEY. That is all, Mr. Witness.

JAMES J. BONNER, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. James J. Bonner; I think I am 25 years old past; I live at 46 Nashua street at the present time.

Q. What is your business?—A. My business, an iron worker.

Q. Where?—A. Well, I ain't been working at my trade now for about three months.

Q. Where did you work last?—A. I worked for P. J. Dinn & Co., on Dover street, last.

Q. How long did you work for them?—A. Four or five months.

Q. Where did you work before that?—A. I worked for Craft, over on 47 Bristol street, iron worker, too.

Q. How long were you at 46 Nashua street?—A. Since April, 1901, between April 15 to 25; last summer I was out of there about two months.

Q. Where did you live before April 15, 1901?—A. 207 Endicott street, sir.

Q. How long did you live there?—A. About six months.

Q. Are you a married man?—A. No, sir.

Q. Your father and mother alive?—A. Yes.

Q. Where do they live?—A. 79 Washington street, Charlestown; that is where I eat my food.

Q. You do not sleep at 79 Washington street, Charlestown?—A. No, sir; I don't.

Q. You did live at 207 Endicott street how long?—A. About five or six months, I should say.

Q. Previous to that where had you lived?—A. I had lived with my folks previous to that.

Q. In Charlestown?—A. Yes, sir.

Q. That is, some time in 1900 you were living with your father and mother in 79 Washington street, Charlestown?—A. No, sir; I did not say that.

Q. When was this time previously?—A. I said I lived in Charlestown with my folks, but it was in 1901. They did not live at 79 Washington street in 1901.

Q. 1900?—A. I believe, if I am not mistaken, they lived 49 Washington street.

Q. Did you live with them there?—A. Yes, sir; I did.

Q. And up to that time you lived there, 49 Washington street, did you?—A. Yes, sir.

Q. What ward is that in?—A. Ward 5.

Q. And up to the time you had left, how long had you been living with your folks?—A. The time I left home I lived in Ward 6.

Q. Yes.—A. I lived with them all my lifetime before that.

Q. That is, up to 1900 you had lived twenty-two years continuously with your father and mother at some place in Charlestown?—A. No, sir; I was born and brought up in the north end, Ward 6.

Q. How long did you live with your folks in Charlestown?—A. I lived with them four years, I think.

Q. Then, from the time you were 17, 18, or 19 you lived in Charlestown with your folks?—A. Seventeen, 18, or 19?

Q. Yes.—A. Well, I could not just say whether it was in the north end or in Charlestown.

Q. Wherever your folks lived you lived with them continuously up to the year 1900?—A. Yes, sir; I did.

Q. And they lived for some time in the north end of this city?—A. Yes, sir.

Q. That is, in Ward 6?—A. Yes, sir.

Q. And then they moved to Charlestown?—A. Yes, sir.

Q. And you moved with them?—A. Yes, sir.

Q. And you are a single man?—A. Yes, sir.

Q. And you lived with them up to 1900 in Charlestown?—A. Up to 1900—

Q. Up to the time you say you went to live on Endicott street?—A. I lived with them up to 1900 and then moved from there to Ward 6.

Q. You voted then in Charlestown?—A. In 1900?

Q. Yes.—A. No, sir; I voted in Ward 6, in 1900; I was living there five or six months, on Endicott street.

Q. Did you ever vote in Charlestown?—A. No, sir; never in Charlestown.

Q. Where did you cast your first ballot? What ward?—A. I cast my first ballot—I think it was in Ward 6, the first ballot I voted on.

Q. When did you first vote?—A. I think I was 22 years old before I voted or cast a ballot at all.

Q. Where were you living then?—A. Well, I was living in Ward 6.

Q. Where, when you were 22 years old?—A. When I was 22 years old?

Q. What year was it that you were 22 years of age?—A. Well, it was 1903. You can figure down to that.

Q. What year was it? You do the figuring and give me the answer.—A. Well, I will be 26 now going—

Q. What year was it that you cast your first ballot?—A. If you will give me time I will answer you. State your question again.

Q. How many times have you voted, anyway, since you were 21?—A. I voted—

Q. How many years have you voted?—A. Three or four years, I think.

Q. Now tell me the first time you voted, where you lived, and what it was. Is that simple enough?—A. I lived at 207 Endicott street.

Q. When was it that you cast your first vote?—A. It was in 1900—no, it couldn't have been 1900 (pausing).

Q. Well, don't you know?—A. No; I could not say for sure.

Q. Where were you living at the time?—A. Well, before 1900 I was living in Charlestown.

Q. When did you leave Charlestown?—A. 1900.

Q. What time in 1900?—A. About April, I should say.

Q. Where did you go then?—A. 207 Endicott street.

Q. With whom?—A. John Boyle.

Q. What is his business?—A. He is in the fruit business.

Q. Is he married?—A. Yes, sir; he is.

Q. Has he a family?—A. The last time I saw him he had two children, I think.

Q. Where is he living now?—A. On St. Botolph street, if I remember right.

Q. How long did he live at 207 Endicott street?—A. I can not say.

Q. How did you know him?—A. He was a friend of mine.

Q. How long had you known him?—A. He was a friend of mine for about three years.

Q. Where did you first meet him?—A. I met him during a course in politics.

Q. What course in politics did you meet him in?—A. He was what you call a Filipino, and I was the same.

Q. You mean an irregular Democrat?—A. Yes, sir.

Q. And as a result of your meeting him you went and lived at his house?—A. I did some time afterwards; yes.

Q. Now, where were you working at the time you lived at his house?—A. Well, I could not say. I worked at so many places—

Q. How long did you live at his house in 1900?—A. Well, about five or six months, I think.

Q. You went there in April, did you?—A. I went there in April.

Q. That was just prior to the 1st day of May. You went there two or three days prior?—A. No; I went there about the 20th or 30th.

Q. You went for the purpose of getting assessed as being from Ward 6, did you?—A. Yes, sir; I did.

Q. That is, you went there to have a political domicile?—A. I went there to fight for his interests.

Q. To have a political domicile in order that when you were assessed, to have a place to vote?—A. No, sir, I can not say that. If I wished to live there longer, well, I could have lived there longer, I suppose.

Q. So the only reason you left home in Charlestown, in Ward 5, and went to Ward 6, and lived there with John Boyle was to help his political interest?—A. No, sir.

Q. What other reason was it?—A. I had a little family fuss at home.

Q. You still take your meals there?—A. Yes, sir.

Q. When did you go there first?—A. When I went back from his house.

Q. Whom did you take your meals with?—A. I had my meals in a restaurant.

Q. What restaurant?—A. Well, the restaurant was up in Court street.

Q. You lived there at that restaurant regularly, didn't you?—A. No, sir; I boarded around.

Q. Well, didn't you have to go in there at least every other day at some time?—A. No, sir; I did not.

Q. Is there any place during the time you lived at 207 Endicott street that you went regularly to take your meals?—A. No, sir.

Q. No place where you took your meals more than three times in succession?—A. Yes; there is.

Q. What is the place?—A. I can't exactly give you the number, but it is on Court street. I can show it to you.

Q. You lived 207 Endicott street for six months?—A. Yes, sir.

Q. And during that time you took your meals at some place other than at Boyle's, where you stopped?—A. No, sir; I did not take any meals at Boyle's.

Q. And during those five or six months you can not now call the name of any restaurant yourself where you took more than three meals in succession?—A. I know the place, but I can not recall the name.

Q. What is the number?—A. I don't know.

Q. Are you familiar with the city of Boston?—A. Yes, sir; I am kind of familiar.

Q. Do you now know the names and numbers where you took more than three meals in succession at the time that you were stopping at 207 Endicott street?—A. No, sir, I don't; I think it was Munroe's on Court street.

Q. Did you know anybody in there?—A. No, sir.

Q. Buy any meal ticket in there?—A. No, sir.

Q. Were you working at that time?—A. I couldn't say.

Q. Did you go over to your home in Charlestown frequently during those five or six months?—A. I shouldn't say not.

Q. Then after the five or six months the family quarrel healed up?—A. My mother came after me then and I went back.

Q. Did you have any other family quarrels since?—A. No, sir; I never had.

Q. Then when you went back it was some time in the fall of 1900, wasn't it?—A. Yes, sir.

Q. So in the fall of 1900, five or six months after April, 1900, you went back to Charlestown?—A. Yes, sir.

Q. But you came over to the city election and voted in the interest of John Boyle because you had your political domicile down there?—A. Yes, sir.

Q. When did you leave home again? How long did you stay home after you came back that fall?—A. I stayed there till about April 15 of the next year.

Q. That is, just before May 1 again you had another little difference at home?—A. No, sir.

Q. What was the reason for your leaving just before May 1, 1901?—A. I wished to get in the West End, and I wished to go over there to live with him, and I went over there and lived with a friend.

Q. Who was your friend?—A. Michael Doherty. He lived on Endicott street; the number I could not say.

Q. When you went back home in 1900 you resumed your domestic relations at home?—A. Yes, sir.

Q. Where were you working then?—A. I think I was working in the iron business then.

Q. Where?—A. I couldn't exactly say where. I was working at the iron business, though.

Q. As an iron molder?—A. No, sir; we call ourselves as the iron workers and wire workers.

Q. Where were you working? Name any one of the places.—A. I can name them, but I won't say I was working there.

Q. I want you to state.—A. I won't state any place that I worked there, because I do not remember.

Q. You went home to loaf for the winter, and that is the reason you went home?—A. I didn't say I went home to loaf. I don't loaf, and I want to distinctly understand I don't loaf.

Q. Do you work?—A. Yes, sir; I work.

Q. Where did you work that time?—A. I said I can't say for a fact.

Q. Well, we will say you can't say. Now, then, you met a Michael Doherty while you were in Endicott street. Was he interested in the Filipino end of politics?—A. Yes, sir; he was.

Q. And from being interested in Ward 6 he became interested in Ward 8?—A. I can't say about that. He has got to answer for himself.

Q. At his suggestion anyway?—A. He did not suggest anything to me.

Q. Well, he told you he was going over to Ward 8?—A. Yes, sir; he told me he was.

Q. He still kept alive his political interests, and told you so?—A. No, sir; he did not tell me anything about it.

Q. And then he told you to leave home and go over to Nashua street?—A. No, sir; he did not tell me to do anything. He ain't a man like that.

Q. Do you know where Mike was working at the time?—A. I can't say; I know he was keeping a shop.

Q. So you left your folks again and went over?—A. Yes, sir.

Q. How long did you live there?—A. From April 15, 1901—between the 15th and 25th up to the present time.

Q. Steadily?—A. No, sir; not steadily.

Q. How long did you live there steadily at that time?—A. I lived steadily up till last June.

Q. That is, you lived a year and two months?—A. Yes, sir.

Q. What room did you occupy there?—A. Up one flight front.

Q. Of whom did you hire the room there?—A. Michael Doherty.

Q. Whom did he hire from?—A. Well, he has the house; that is not my business.

Q. He lets the house?—A. I think he does.

Q. He is married and has a family?—A. He is married, but his wife isn't there.

Q. Now, during that time you used to go over to Charlestown to get your meals?—A. Yes, sir.

Q. That is, you liked Michael Doherty's company better in the evening than your own folks?—A. I did not stay in the house at all night times.

Q. But you did not take any meals there?—A. No, sir.

Q. So you have been living there ever since?—A. Yes, sir.

Q. Who were you working for when you first went there to live with Michael Doherty?—A. I couldn't say whom I was working for at that time. I think about that time I was working for the New England Construction Company.

Q. Who was the foreman?—A. Mr. Bryden. No; he is not the foreman, he is the superintendent.

Q. I mean who is the man that had you directly under his charge?—A. I do not know his name.

Q. Who was the man who made up the pay roll?—A. I can not say his name.

Q. Who were the men who worked with you?—A. I can not say. They were all strangers, and I simply worked there for two months. Naturally, when we work in a shop we do not find out their last names, and call them Jim or Jack or John, or something else.

Q. You do not know the name of the foreman that you had in charge?—A. No, sir; I don't.

Q. You do not know the name of the man that checked you so as to make sure that there was such a man?—A. We had a clock; we had a check clock that we punched in as we went in and out.

Q. How much did you get there?—A. I got \$9.90 a week there.

Q. What were you doing there?—A. I was working on ironwork there.

Q. You were two months there. Now, what two months was it, may and June?—A. No; I think it was between March and April.

Q. Now, what baggage did you bring over to 46 Nashua street?—A. Simply my clothes.

Q. You left most of your clothes over with your folks, didn't you?—A. No, sir.

Q. What is the name of your father?—A. James Bonner.

Q. Where does he work?—A. He works for the Bay State Gas Company.

Q. In Charlestown?—A. No, sir; in the city, in the North End.

Q. Do you know where their place of business is where he is working?—A. He works there.

Q. What part of the North End is it, what street?—A. It is corner of Commercial and Causeway.

Q. Is he a laborer there?—A. No; he ain't what you call as a laborer.

Q. What is his business there?—A. He works around machinery. I do not know what he is called.

Q. Have you any sisters?—A. Yes, sir.

Q. How many?—A. Five, I believe.

Q. Do they live at home?—A. No; there is one married—

Q. All the others live at home?—A. Four, I think, live at home.

Q. What are their names?—A. Maggie, Mary, Theresa, and Annie.

Q. Did you have any brothers there?—A. Yes, sir.

Q. What are their names?—A. Well, there is Frank and Joe.

Q. Are they married?—A. No, sir.

Q. Do they live at home?—A. They are younger than I am.

Q. Both of them over 21?—A. Younger than I am.

Q. Both of them over 21?—A. No, sir; neither one of them is 21 yet.

Q. Neither one one of them?—A. No, sir.

Q. You left no baggage at home when you moved?—A. Well, I do not know what you class as baggage. Wherever I stay I leave some underwear.

Q. What have you got at home now? While you were taking your meals there what did you keep in the house in Charlestown?—A. I have another set over there; and I have my underwear.

Q. You have your washing done at home, don't you?—A. Yes, sir.

Q. Now, what have you got over at 46 Nashua street?—A. Well, I have the set I have on when I leave it there. I change it there; and I have an extra set of underwear that I change there, and an overcoat.

Q. You wore your overcoat over here?—A. No, sir; I did not.

Q. That is all you keep at this place on Nashua street?—A. That is all.

Q. Now, you lived there in April, 1900, two months after April, 1901, or in June, 1901. You left there and went where?—A. I went home then.

Q. How long did you live at home?—A. I lived about two months. I lived June and July there then.

Q. Then where did you go?—A. Then I came back to where I am now, 46 Nashua street.

Q. Right to Nashua street?—A. Yes, sir.

Q. When you moved back and forth, all you did any one time was to put your hat and coat on and walk over; and when you moved back in the summer all you did was simply to put your straw hat on and walk back, and you moved?—A. No, sir. I had a change of underwear over there all the time. I had another suit lying there if I wished to put it on.

Q. Then did you stay from July, 1901, continuously up to the present time?—A. Yes, sir.

Q. Where did you work in July, 1901?—A. That I could not say.

Q. Well, where have you worked since?—A. Well, I worked for P. J. Ginn.

Q. How long?—A. About five or six months.

Q. The last time you worked for him was when?—A. I worked for him last in December.

Q. Ever since last December you have not been working?—A. Yes, sir; I have.

Q. For whom?—A. The Rising Sun Street Company.

Q. How did you get that job?—A. I went up there and left my name.

Q. Weren't you recommended by political influence?—A. Well, I got a letter.

Q. Who gave you the letter for this job?—A. Do I have to answer that?

Q. The question is, Who gave you the letter?—A. Well, I suppose Martin M. Lomasney gave me the letter.

Mr. MALLEY. That is all.

Cross-examination by Mr. MORAN:

Q. From April, 1901, when you moved to 46 Nashua street, till the present time that has been your home—domicile?—A. Yes, sir; with the exception of—

Q. And those two months in the summer time—you came back after the summer time was over?—A. Yes, sir; I did. I considered 46 Nashua street my home all the time.

Redirect examination by Mr. MALLEY:

Q. You never changed the place where you took your meals ever since you lived at 207 Endicott street?—A. No, sir. Occasionally.

MICHAEL DOHERTY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Michael Doherty; 45 years old, and I am a carpenter.

Q. Well, where do you live?—A. 46 Nashua street.

Q. How long have you lived at 46 Nashua street?—A. Over two years.

Q. Are you married?—A. Yes.

Q. Keep your family there, 46 Nashua street?—A. Yes, sir.

Q. Do you work for the Boston Elevated Company?—A. I work for myself. I have a shop of my own.

Q. Where is your shop?—A. 196 Causeway street.

Q. How long have you had a shop at 196 Causeway street?—A. About three years.

Q. Previous to that did you work for the Boston Elevated Railway Company?—A. Never. Never worked for the Boston elevated.

Q. Previous to three years ago, where did you work?—A. I am running a shop. I do contracts, and do little jobs on buildings—for eighteen years right around the North End.

Q. Do you occupy the whole of 46 Nashua street?—A. I run the house; yes.

Q. How many rooms are there there?—A. Fourteen.

Q. Whom do you rent it from?—A. Martin M. Lomasney.

Q. And you have occupied it for how long?—A. Over two years.

Q. Two years ago you were living in Endicott street, weren't you?—A. I was.

Q. You were interested in politics there, weren't you?—A. Yes; a little.

Q. What made you move over to Mr. Lomasney's house, in Ward 8?—A. Well, I went over to better myself—cheaper tenement.

Q. Better yourself politically?—A. No; not politically.

Q. Do you know Patrick Deylin?—A. Yes; I know him.

Q. Where is he to-day?—A. Well, I couldn't—I tried to get him the last two nights, and I couldn't see him.

Q. Where does he live?—A. He lives on Prince street; I do not know the number.

Q. Did he live with you May 1, 1902?—A. He did.

Q. What room did he occupy there then?—A. He had a tenement up stairs and kept boarders.

Q. What is his business?—A. He works on engines on the street.

Q. For whom?—A. For the Metropolitan Company, I guess.

Q. And he lives now—what number on Prince street?—A. I could not say the number.

Q. How long since you saw him?—A. I didn't see him now for a month, when I met him on the street.

Q. Was it you who gave the names to the assessors, in 1902, of the men who lived in your house?—A. Yes.

Q. What names did you give him?—A. I gave all to them for the last two years. I put them down on a piece of paper, and I left them down in the little store that was underneath.

Q. You requested Mr. Bonner to come and live with you from Charlestown, didn't you?—A. No. When I went down there he asked me if he could stay there. I went down first alone to live, without anybody—no family, and had three rooms to myself, and I told him he could come and stay there if he wanted to, and so he slept there with Murphy and me.

Q. And he has stayed there somewhat irregularly since April 15, 1901?—A. Yes; but he has been there regularly.

Q. Just prior to May, 1901, you are sure that he was there in your house?—A. I do not remember anything. The way it was, he comes in the house late and sleeps on the couch—the two of them—and I get up early to go to work, and some mornings I see them and some mornings I don't.

Q. He has no bed there?—A. Of course, he has a bed; a regular iron bed.

Q. How sleeps with him?—A. Murphy did sleep with him, but Murphy isn't there now.

Q. Who sleeps in the room with James Bonner?—A. Murphy and me.

Q. Is your wife living?—A. She is.

Cross-examination by Mr. MORAN:

Q. She does not live there?—A. She does not live there.

Q. Do your children live there?—A. Yes. The children sleep in the little room.

Q. That is the only home you have had since you lived there?—A. That is the only home.

(Subpoena of Patrick Devlin offered in evidence by Mr. Malley and marked by the stenographer "Exhibit 122, J. H. B.")

PATRICK HARVEY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Patrick Harvey; about 42 or 43; shoemaker by trade, and live 46 Nashua street.

Q. How long have you lived at 46 Nashua street?—A. Since a year ago last fall.

Q. Where do you work as a shoemaker?—A. I work for the Henry H. Tuttle Shoe Company, corner of Winter and Washington streets.

Q. Do you work there now?—A. Yes, sir.

Q. Where did you live previous to April, 1901?—A. 41 Cooper street.

Q. Been a married man?—A. Not yet.

Q. No wife or family?—A. Did not have any wife or family.

Q. Did you move from Ward 6 to Ward 8?—A. Yes, sir.

Q. And have you lived there continuously since April, 1901, at 46 Nashua street?—A. Up until September last.

Q. That is, from April, 1901, until September, 1902, you lived continuously at 46 Nashua street?—A. Yes, sir.

Q. Where did you move then?—A. I moved then to No. 1 Causeway street. That is on the corner of Leverett and Causeway.

Q. Are you living there now?—A. Yes, sir.

Q. Did you vote at the State election?—A. Yes, sir.

Q. When you went from Cooper street, Ward 6—41 Cooper street—to take up your home at 46 Nashua street, for what purpose did you go there?—A. Because I took a job on the same street three doors from there, No. 40, and I went to reside with Mr. Doherty, at the next door.

Q. When you left Nashua street to take up your home at 1 Causeway street, for what purpose did you go to 1 Causeway street?—A. I gave up the shop and went to work at Tuttle's; I gave up the shop some time previous to that.

Q. And you went to No. 1 Causeway street to take up your home there?—A. Yes, sir.

Cross-examination by Mr. CAMPBELL:

Q. Your residence in May, 1901, was where?—A. Was 46 Nashua street.

Q. And you lived up there till last September?—A. September.

Q. And you had no other home?—A. No other home.

Q. And you went there with the intention of making that your domicile and residence?—A. Yes, sir.

(Subpoena of John Farren offered in evidence by Mr. Malley and marked by the stenographer "Exhibit 123, J. H. B.")

Subpoena of James F. McDonald offered in evidence by Mr. Malley and marked by the stenographer "Exhibit 124, J. H. B.")

JOHN A. McDONALD, sworn.

By Mr. MALLEY:

Q. Your name, age, residence, and occupation?—A. John A. McDonald; 26 years old; residence, 46 Nashua street; lock tender, East Boston tunnel.

Q. How long have you been working in East Boston tunnel?—A. Since last September.

Q. How long have you been living at 46 Nashua street?—A. Going on four years.

Q. Is your father and mother alive?—A. Father alive, and I live with him, and my mother is dead.

Q. Your father lives at 46 Nashua street?—A. Yes, sir.

Q. You have been living there continuously from four years ago till to-day?—A. Yes, sir.

No cross-examination.

JOHN McLAUGHLIN, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. John McLaughlin; age 34 last October; 37 Chambers street; street paver.

Q. You are a street paver?—A. Yes, sir.

Q. How long have you been living at 37 Chambers street?—A. Been there since June.

Q. June of 1902?—A. Yes, sir.

Q. Where did you live May 1, 1902?—A. Lived in 46 Nashua street.

Q. When did you first go to live at 46 Nashua street?—A. December, 1901.

Q. Where did you live before that?—A. The same place I am living now, 37 Chambers street.

Q. Whom do you live with at 37 Chambers street?—A. Mrs. Fox. She keeps a boarding house.

Q. Previous to 37 Chambers street, in 1901, where did you live?—A. At the South End, 434 Tremont.

Q. That is up in what ward?—A. Ward 9.

Q. Where were you born, Mr. McLaughlin?—A. Ireland.

Q. And when did you come to America?—A. 1888.

Q. When were you naturalized?—A. 1893.

Q. Where?—A. Boston.

Q. How old do you say you are?—A. I am 34 last October.

Q. And you were naturalized down in the Federal building, post-office square, in Boston?—A. Yes, sir.

Q. Who were your witnesses?—A. Charles Farren and Patrick Douglas.

Q. What does Charles Farren do?—A. He used to work 'longshore, and he is now dead.

Q. Patrick Douglas?—A. Works in the water works.

Q. Do you remember whether you got your naturalization papers out at once or whether you filed first one paper and then waited two years?—A. Took them all out.

Q. All out at once?—A. Yes, sir.

Q. How old were you when you came to America?—A. I was 18.

Q. What is the date of your birth?—A. It was the last of October.

Q. October 31?—A. Yes, sir.

Q. What year?—A. 1869, I guess, or 1870.

Q. Now, in December, 1901, you were living at 434 Tremont street, in Ward 9?—A. Three years ago. It might be three years ago; I am not sure. Yes; 434 Tremont street.

Q. In December of 1901, a year ago last December?—A. No; it was two years ago.

Q. Two years ago last December—that is, in December, 1900—you were living 434 Tremont street, in Ward 9, were you?—A. I voted there three years ago, and I voted twice in the North End or in the West End—

Q. When you lived 434 Tremont street where did you move to?—A. Moved to 37 Chambers.

Q. And lived there with a woman named Miss Fox?—A. Yes, sir.

Q. And you lived from December, 1900, up to what time with her?—A. I left in June; up to June with Mrs. Fox.

Q. When you moved to 46 Nashua street you moved from 37 Chambers street, didn't you? (No reply.)

Q. When you moved to 46 Nashua street you left 37 Chambers street?—A. Yes, sir.

Q. You moved from 37 Chambers street to 46 Nashua street?—A. Yes, sir, and back again.

Q. And you lived how long at 46 Nashua?—A. Six months.

Q. And then you moved back again?—A. Yes, sir; up to the same place I left; yes, sir.

Q. When you went to live at 46 Nashua street for what purpose did you go to live there?—A. Because Mrs. Mooney, the woman I hired the room from, was a friend of mine—

Q. What did you leave her for?—A. Her sister left the house, and she said that Mr. Devlin was going, who stopped in the attic, and when he left the house I had to go, too.

Q. Who gave your name to the assessors in 1902?—A. I do not know.

Q. Did you give it?—A. No, sir.

Q. Did you give anybody your name?—A. No, sir.

Q. Whom do you work for now?—A. I work for the New England Coke and Gas Company.

Cross-examination by Mr. CAMPBELL:

Q. In May, 1902, you lived where? (No reply.)

Q. Last May where did you live?—A. This last May I lived up in 37 Chambers or lower down.

Q. What is that?—A. In Nashua street.

Q. And at that time you went there with the intention of making that your home, your domicile?—A. Yes, sir.

(Subpoena of Henry A. McQuade offered in evidence by Mr. Malley and marked by the stenographer "Exhibit 125, J. B.")

Subpoena of Richard A. O'Connell offered in evidence by Mr. Malley and marked by the stenographer "Exhibit 126, J. H. B.")

JOHN MOONEY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. John Mooney; 46 Nashua street.

Q. What is your business or occupation?—A. Laborer.

Q. How old are you?—A. Thirty-eight, I guess.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. 1881 or 1882—1882.

Q. When were you naturalized?—A. I was naturalized in 1887.

Q. Where?—A. Ward 8.

Q. Who were your witnesses?—A. His name was Cummings. He keeps a grocery store up in West Cedar street.

Q. Who is your other witnesses?—A. I forget now what his name was.

Q. When did you go to live at 46 Nashua street?—A. In April, 1881, I think it was, or April, 1891.

Q. By 1891 do you mean a year ago last April?—A. Yes, sir.

Q. April, 1901, you went to live there? Where did you live before?—A. Lived at 50 Nashua street.

Q. What?—A. 50 Nashua street.

Q. Whom did you hire the room of when you came to live there in April, 1901?—

A. You mean 46? I hired the room of Michael Doherty.

Q. And have you been living there ever since?—A. No, sir; I haven't.

Q. How long did you live there in April, 1901?—A. I lived there about—I guess I lived there about ten months.

Q. Where did you live in April, 1902?—A. I lived in 50 Nashua street.

Q. In 50 Nashua street. And in May, 1902, you lived in 50 Nashua street? You have been living at 50 Nashua ever since April, 1902, have you?—A. I can not remember very well, because I never kept any record of the time I moved.

Q. Where were you living in 1902?—A. 46 Nashua street, I think.

Q. You went there in April, 1901, didn't you?—A. I voted from 50 Nashua street and moved to 40, and then this man moved over to the North End and I took a tenement of him.

Q. You went there in April, 1901, and lived there ten months? And then you moved to 50 Nashua street, and voted last at 50?—A. I voted from 46 Nashua street last.

Q. Where were you living in April, 1902?—A. I was living at 40 Nashua street.

Q. And in May—did you continue to live in 40 during April and May?—A. No; I moved back to 46.

Q. When?—A. I moved back in April. He moved back the 14th or 15th of April, and I went to the house a few days after.

Q. Did you ever give your name to the assessors?—A. Oh, my wife did.

Q. Does your wife live at 46 now?—A. Not now.

Q. Where does she live?—A. 38.

Q. Don't you live with you wife?—A. Sure.

Q. Did she live, in May, 1902, at 46 Nashua?—A. Yes, sir.

Q. Have you any children?—A. No, sir.

Q. Does your wife know how old you are?—A. I don't know as she does.

Q. You are sure it was she gave your name to the assessors?—A. Yes, sir; because I was working and didn't have a chance to be there.

Q. You say each time you moved on Nashua street your wife moved with you, too?—A. Yes, sir.

No cross-examination.

FRANCIS XAVIER DONOVAN, sworn.

By Mr. MALLEY:

Q. Were you sworn, Mr. Donovan?—A. Yes, sir.

Q. What is your name?—A. Francis X. Donovan.

Q. Where do you live?—A. 32 Chambers street, Ward 8.

Q. How long have you lived 32 Chambers street?—A. June 2, 1876.

Q. You live with your folks there, do you?—A. I do.

Q. Have you been ever a member of the Hendricks Club?—A. I was.

Q. How long were you a member of the Hendricks Club?—A. Well, probably a year and six or seven months.

Q. And when did you cease to be a member of the Hendricks Club?—A. I do not know whether I have ceased or not; I never notified them and they never notified me that I am out; but I dropped out, and suppose I am out.

Q. What kind of an organization is that, anyway?—A. It seems to be entirely political.

Q. Is it the political organization?—A. It is understood so.

Q. A Democratic political organization?—A. Yes, sir.

Q. On election day, November 4, 1902, did you vote?—A. I did.

Q. And were you in and about the polling booths during the day?—A. Yes, sir; I was.

Q. And did you see Daniel Kiley there that day?—A. I saw him at precinct 4.

Q. Somewhere around 3 or 4 o'clock in the afternoon, were you about the polling booth of precinct 4?—A. I was.

Q. Where is that precinct booth located?—A. Outside of the Wells schoolhouse, on the McLean street side, near Blossom street.

Q. Did you see Daniel Kiley there?—A. I did.

Q. Do you know a Jim Stack?—A. I know him; yes, sir.

Q. Did you see him there?—A. I did.

Q. Well, now, state what took place between Kiley and Stack that you saw; what Stack did and what Kiley did with reference to the polling place there.—A. A man named Stack appeared. I do not know from what direction, but he struck around that precinct booth, and the first time I saw him was when a person named McCarthy was speaking with him.

Q. Who is McCarthy, Mr. Donovan? What is his first name?—A. Jeremiah, I think it is.

Q. Is he in politics there, interested in politics?—A. I guess he thinks he is. He appears to be. And Mr. McCarthy and Mr. Stack were in conversation, and then Mr. McCarthy called to Kiley and Kiley went over to them and they held some conversation on the sidewalk; then Kiley, McCarthy, and Stack went to the rear of the booth on the street side and held some conversation. A few minutes after that—I wouldn't say how many—Stack and McCarthy and Kiley came toward the booth. Stack went in and Kiley after him; and going to the clerk Stack gave the name of Charles A. Donovan, and the clerk repeated the name, "Donovan, Charles A., 45 McLean, residence," and immediately said it had been checked. Well, the cry was that it had not been checked.

Q. When you say that "the cry was" what do you mean by that?—A. The answer was. I would not say as to who gave it, that it had not been checked, and Mr. Kiley said that the clerk had checked it then himself, and he called upon the warden to see if it had been checked and the warden said it had not.

Q. Do you know who the warden was?—A. The warden, I am quite sure, was a man named Gray, Henry Gray. They said it had not been checked.

Mr. MORAN. Whom do you mean by they?

The WITNESS. Kiley and the warden replied it was not checked, and the Republican clerk, I think it was, as Mr. Gray is a Democrat, insisted that it had been checked, and then there was quite a loud talking in the booth, which completely drowned the protest of the clerk; and during the noise and loud talking the man who was to vote on the name, Mr. Stack, passed through, obtained his ballot, and had voted before he could be stopped. And, after reaching the outside of the booth, he met Mr. McCarthy again. Mr. Kiley came out and went over to the other two and they went behind the booth again and had some more conversation, and then Mr. Stack met a friend of his and the two of them went up town, and some one said, "You had better go right up town now," and they headed toward Chambers street and up McLean. After that I know no further of them.

Q. Who is this Daniel J. Kiley?—A. He is the representative from Ward 8 in the legislature.

Q. As the Democratic candidate, was he elected from Ward 8?—A. He was.

Q. Do you know this Stack?—A. Yes; I met him about eight years ago.

Q. Do you know whether he lives within the precinct?—A. I know he was not on the books as registered from the precinct.

Q. He was not on the voting list?—A. No, sir; not from that precinct.

Q. Did you know this McCarthy? Had you known of him before?—A. Yes, sir; I know him.

Q. Were there many people about the booth at that time?—A. Yes, sir; perhaps 15 or 20 people.

Q. Was there a policeman there?—A. There were two policemen inside.

Q. What were they doing at the time this uproar was made?—A. Sitting down. They made no attempt to interfere at all. One of them was a Mr. Cameron, and I think—I am quite sure the other one was Mr. Clark, I won't be positive though, from division 3.

Q. Do you know whether or not any of those two policemen were members of the Hendricks Club?—A. I do not know.

Q. Do you remember the names of any persons who were standing around at that time?—A. Yes; there was a man named Kiley, the father of Daniel J. Kiley; there was a Hebrew named Robinson, who was a member of the Hendricks Club, and there was a man named Spaine, also a member of the Hendricks Club.

Q. Does he hold any position under the city administration?—A. I believe he is a deputy collector in the hall.

Q. Do you know where William Spaine lives?—A. No; I do not. Then there was a boy named Leo Fitzpatrick.

Q. Anybody else that you think of now?—A. A man named Charles Morse.

Q. Whether or not you have since learned that Stack's name is on another voting list for another precinct?—A. I learned within a few days after that that he was registered from a house on Mills street. I do not know the number, but that is in another precinct.

Q. Do you know whom this Charles A. Donovan was?—A. I knew him by sight. I always thought he was a brother of Edward J. Donovan, but learned afterwards he was a cousin, and he lives—I do not know whether he does or not—but he was registered from 45 McLean street.

Q. At the time the name Charles A. Donovan was called was Charles A. Donovan there?—A. He was not.

Q. Who was it stepped up and got a ballot as the name Charles A. Donovan was called?—A. I do not know whether he got a ballot; he must have got a ballot, because he went through by the clerk and had gone and passed the warden and passed the ballot box. The person who did that was Mr. Stack.

Mr. MALLEY. That is all.

Cross-examination by Mr. MORAN:

Q. What is your full name?—A. Francis X. Donovan.

Q. What does the X stand for?—A. I supposed you were up in names, but to enlighten you, it is Xavier.

Q. How old are you?—A. I will be 24 in November, on the 27th, the last part of it.

Q. What is your father's name?—A. Jeremiah J.

Q. What is his business?—A. Roofer.

Q. Has he held any office?—A. Elective?

Q. Any kind.—A. He was at one time—well, at various times he has held positions.

Q. Within the last seven years?—A. Yes; he was employed by the city in the paving division at the North End yard as a provisional inspector under Hart.

Q. When did he go to work under Hart?—A. He went to work the day after—

Q. The date?—A. Just a moment and I will give it to you, as I have to recollect those things. February 21.

Q. What year?—A. The year Hart was elected; the last time he was elected.

Q. I wanted to ascertain the record.—A. I have to go back for those matters. The 21st, 1900, I think it was.

Q. 21st of what, 1900?—A. February. Within a day or two of that.

Q. When did he get through?—A. Some time in March last year, 1902.

Q. Why did he get through?—A. Political differences.

Q. What was it?—A. Political differences.

Q. What political differences?—A. Well, he was not of the party in power.

Q. What?—A. He was not of the party in power.

Q. You mean your father was a Republican?—A. Well, I supposed you would take that as my meaning.

Q. And you are a Republican?—A. I am not.

Q. What are you?—A. I vote as I please; I can not be classed as anything.

Q. You have no interests in any party?—A. No; not particularly.

Q. You were a Conry man, weren't you?—A. Yes; I was.

Q. Then you are a Conry Democrat?—A. Hardly.

Q. Then you are a Conry Republican?—A. Hardly; I voted for Mr. Foss.

Q. You are a Conry Republican, aren't you?—A. I do not know as you class it that way.

Q. Are you a Conry Republican?—A. No; I am not any more a Conry Republican than you are a Bates Democrat.

Q. If I am a Bates Democrat then you mean you are a Conry Republican?—A. Hardly. I voted for Mr. Conry, who was the only Democrat on the ticket that I voted for. But I also voted for a few of the Socialist candidates. So you may take your choice. It don't matter much.

Q. You voted some Socialists, some Republican, and Conry?—A. Yes; I hated to be partial.

Q. You mean that?—A. I mean it.

Q. You distributed your vote, giving a little to each, so as to be fair to all parties?—A. That is what I meant. I voted that way because I believe the people who got the vote deserved it the most. I thought Conry deserved the election and ought to get his second term.

Q. And you were acting in his interest at the polls?—A. Well, to a certain extent.

Q. You had been to his headquarters?—A. No, sir.

Q. Ever have any talk with him?—A. Not up to within the last week.

Q. Up to a week ago you never had any talk with him?—A. Never had any talk with him.

Q. But you have had a talk with him since that time?—A. We have; yes, sir.

Q. You and Mr. Conry, the contestant here?—A. Yes, sir.

Q. Your father was put on the employment list of the city of Boston in violation of the civil-service rules, wasn't he?—A. He was not.

Q. And wasn't he removed by the present mayor?—A. He was.

Q. In accordance with the request from the civil-service commissioners?—A. He was not. He was removed from—

Q. Are you living with your father now?—A. As I understand, the reason he was removed—

Q. I do not ask you what you understand.—A. I want you to understand what I understand about it—

Q. No you won't. Have you talked over with your father anything in relation to politics?—A. Politics is an awfully large sphere to talk over.

Q. Have you ever talked over with your father anything in relation to politics? Answer that question.—A. Yes.

Q. Have you ever discussed with him what you were to testify to at hearing?—A. No; I have not discussed it.

Q. Have you discussed it with anybody?—A. I have.

Q. With whom?—A. Mr. Conry.

Q. With whom else?—A. Mr. Malley.

Q. Whom else?—A. With myself.

Q. Whom else?—A. That is all.

Q. You never mentioned it to anybody else?—A. No, sir.

Q. When did you first mention it to Mr. Conry?—A. Well, a few days ago; within a week.

Q. Where did you see him then?—A. I called at his office.

Q. Where?—A. On State street.

Q. What number?—A. 69.

Q. What persons were there when you called there at that time?—A. Mr. Conry was there.

Q. Who else?—A. He was the only one in the room.

Q. Whose office was it?—A. Mr. Conry's office.

Q. Anybody else's?—A. What is that?

Q. Anybody else in the office there?—A. I just said there was nobody else in the office at the time I spoke to him.

Q. Whose office is it?—A. Mr. Conry's office.

Q. Is it anybody else's office?—A. Not that I know of.

Q. Is it Mr. Malley's office?—A. I don't know.

Q. Don't you know where Mr. Malley's office is?—A. No; I am not interested in Mr. Malley's office.

Q. What name was on the door?—A. Joseph A. Conry.

Q. Had you been up to Mr. Malley's office?—A. I do not know where his office is.

Q. Don't you know whether his office is in the same office?—A. I do not know whether he has an office or not. I hope he has.

Q. At whose suggestion did you go to Mr. Conry's office a week ago?—A. At Mr. Malley's suggestion.

Q. Where did you see Mr. Malley?—A. Mr. Malley called at my house to see me.

Q. Where?—A. At my home.

Q. Where?—A. 32 Chambers street. I hate to go all over this.

Q. You will have to whether you hate it or not. He came there with whom, when he saw you?—A. I think his name is Mr. Lynch.

Q. Who is this Lynch that came there with Malley?—A. I do not know. I do not know him.

Q. Did you know him then?—A. No, sir.

Q. Have you seen him since?—A. I have not.

Q. Were you introduced to him?—A. I was.

Q. By whom?—A. Mr. Malley.

Q. Did you ask what his first name was?—A. I did not.

Q. Was it given to you?—A. It was not.

Q. Did you know Malley?—A. I did not.

Q. Who introduced Mr. Malley?—A. Mr. Malley.

Q. What did he say?—A. He said "I am Mr. Malley."

Q. What did you say?—A. I told him how glad I was to meet him.

Q. What else?—A. That was all that he said when we met.

Q. Go ahead. I want the whole of the conversation.—A. That is the conversation I mean to give.

Q. You will have to give it.—A. I refuse to give it to you.

Q. Why do you refuse to give the conversation you had with Conry's lawyer, Malley, in this case? Tell me what was said by Mr. Malley to you.—A. When?

Q. That time.—A. What time is that?

Q. The time we are talking about, when he called with Lynch at your house?—A. He showed me a letter.

Q. What letter did he show you?—A. My letter to Mr. Conry.

Q. Who has got that letter now?—A. I do not know—I have it.

Mr. MORAN. Mr. Malley, will you produce that letter?

The WITNESS. Don't produce it; it is a personal letter.

Q. Why do you object to Mr. Conry or Mr. Malley producing that letter of his own?—A. I will tell you; because I would like to tell you just what was in it myself.

Q. What?—A. I would like to tell you just what is in it myself.

Q. Do you object to their producing it?—A. Not at all.

Q. Why did you ask him not to?—A. Because I think it is taking too much time.

Q. Why did you ask him not to produce that letter?—A. Well, I do not know as I had any reason. We say things sometimes like that.

Q. Where did you last see that letter?—A. In my house.

Q. Was it taken away by Mr. Malley?—A. It was brought by Mr. Malley.

Q. Was it taken away by Mr. Malley?—A. It was taken away by him again.

Q. It was?—A. It was.

Q. Have you ever seen it since that night?—A. No, sir.

Q. Who wrote that letter?—A. I wrote that letter.

Q. How many days before you saw Malley at your house with Lynch did you write that letter?—A. Well, it must be about one hundred and forty days or so; something like that.

Q. What is the date of the letter?—A. I do not know.

Q. What month did you write it?—A. I think it was written in November, shortly after the election.

Q. How many days after the election?—A. If I could tell you how many days after I could have told you the date. I do not remember just what day or date or how many days.

Q. To whom did you write it?—A. Mr. Conry.

Q. Where did you address it to?—A. I do not know whether I addressed it to his Devonshire street office or Washington.

Q. How did you know he had a Devonshire street office at that time?—A. I have lived in the city more than two years.

Q. How did you know he had a Devonshire street office?—A. I knew just the same way I know you have a Boston office.

Q. Do you know where it is?—A. No, sir.

Q. What number did you address it to?—A. Most any prominent man's address can be found if you know the name.

Q. Did you send him a letter addressed merely to "Congressman Conry, Devonshire street, Boston, Mass."

Q. Now, what was in the letter?—A. The letter called his attention to the fact that I would like to see him—

Q. "I would like to see you."—A. In relation to certain illegal voting in Ward 8, at precinct 4. I think that covers the whole ground without going into the full particulars.

Q. I want you to state what you wrote in that letter.—A. That is what I wrote in the letter.

Q. Is that the substance or the exact words?—A. That is the substance. It is kind of difficult to remember the whole of a letter. It is kind of difficult to remember just the words one writes back three or four months, unless you always carry a duplicate with you, and as I haven't got that tact for carrying duplicates I can't quote the whole thing, but that is the substance.

Q. State as much as you can.—A. That is as much as I can state.

Q. What was it written on?—A. Paper.

Q. A small sheet?—A. No; it was a sheet of paper typewriter size—letter sheet.

Q. Written with lead pencil?—A. No, sir; it was written with a pen.

Q. Pen and ink?—A. Yes, sir.

Q. Cover as much space as this piece is covered by typewriting on this paper?—A. No, sir; it covered perhaps ten or twelve lines.

Q. And stated that you would like to see him?—A. That was the substance.

Q. Like to see him about what?—A. Illegal voting in Ward 8, precinct 4, particularly.

Q. What other illegal voting did you know of besides the things you have talked about here in answer to questions put by Mr. Malley?—A. I did not know of any other at the time. This was the one I had in my mind.

Q. Mr. Malley and Mr. Lynch called at your house and Mr. Malley produced the letter?—A. Yes, sir.

Q. How long did you talk about it?—A. I did not time anybody.

Q. About how long?—A. Well, between fifteen and forty-five minutes will give it a good representation.

Q. Did you tell him what you have told me here?—A. Well, I started to tell him when he thought I had better go down and see Mr. Conry.

Q. Mr. Malley refused to let you tell the whole story?—A. He did not refuse. I stated it to him in congested form.

Q. State to me in congested form as you have stated it to him?—A. That is another thing. I did not commit it to memory.

Q. I want to know what you told Mr. Malley, to see how much different it was from what you told here.—A. I told him I was at precinct 4 on election day and saw this man Stack introduced to Mr. Kiley and then he went inside and tried to vote on Mr. Donovan's name, and he was told it had been voted on, and he and the others insisted it had not, and they called upon the warden, and he told them it had not been checked, and then he voted, and went outside and had another talk and then went away. I think that is all.

Q. That is exactly what you have told here. You always tell it the same way to-day?—A. Precisely. Isn't that the proper way.

Q. Where did you learn to tell that story in that way?—A. I saw it acted.

Q. You saw the man vote?—A. I saw a man there.

Q. He had a ballot?—A. I do not know whether he had a ballot or not.

Q. How could he vote if he didn't have a ballot?—A. I won't say I saw him vote.

Q. You have stated so.—A. I withdraw that statement.

Q. You withdraw the statement now, and say you didn't see him vote?—A. I will tell you why I did not see him vote. I will put Stevens after you.

Q. Who is Stevens?—A. The honorable district attorney.

Q. For not letting you answer questions?—A. He is no friend of yours.

Q. You said first, in answer to my question, that you saw him vote.—A. I did.

Q. You said afterwards that you did not see him vote—which is correct?—A. I leave you to take that for granted.

Q. I ask you which is correct? Which statement, whether you saw him vote or did not see him vote?—A. I was about telling you.

Q. Hold on! You won't tell me anything in that way. Which is correct? Which one of those two statements, that you did see him vote or did not see him vote?—A. I did not.

Q. You did not see in his possession any ballot, did you?—A. No, sir.

Q. You saw no one give him any ballot, did you?—A. No, sir.

Q. Who were the police officers in the booth at the time this discussion which you have described as to Stack took place?—A. An officer called Cameron.

Q. Who else?—A. And I think the other officer's name was Clark.

Q. Did you at that time think that Stack had committed any crime?—A. Did I think?

Q. Yes.—A. I was pretty sure in my mind that he had.

Q. Did you ask the police officers to arrest him?—A. No.

Q. Why not?—A. Because I had some respect for my person just at present.

Q. More respect for your person. What do you mean by that?—A. By the representation of the people around the booth—I do not know whether you know any-

thing about that or not; but I had more respect for my physical person than I had for taking the chance of having him arrested.

Q. How many people were around that booth at the time of this?—A. There were the two officers—two precinct officers.

Q. How many precinct officers?—A. Probably five or six, but they were inside of the rail.

Q. How many persons were there outside of the rail, where you and the police officers were?—A. Well, there were probably three or four more.

Q. Who were those three or four more who were outside of the rail, where you and the officers were?—A. Outside of Mr. Kiley I couldn't swear to any man's name.

Q. Outside of Kiley you could not swear to anyone?—A. No.

Q. Wasn't Stack there with them?—A. Stack was in front of the clerk's desk.

Q. The clerk was behind it and Stack stood in front of it, and Kiley stood in the space near to where Stack stood, and you stood in that space also?—A. No, I did not; I stood in the doorway.

Q. Where were the two police officers with reference to you as you stood in the doorway?—A. One was in the left-hand corner, away from the door of the entrance, and the other one sat in the corner. He would be behind the door of the exit when the door opened.

Q. So they were both within 10 feet of where you were?—A. Hardly. The booth is a little longer than 10 feet.

Q. Well, how far?—A. One was within 8 feet. Probably the booth is 18 or 20 feet long.

Q. Well, then, one was about 8 feet from you and the other 18 feet from you?—A. Probably.

Q. You knew both the officers?—A. I did not; I knew them by sight and found out their names afterwards.

Q. Did you talk with either of them?—A. I did not.

Q. Did they talk with you?—A. They did not.

Q. Did they take any part in the talk about whether Donovan's name had been checked off or not?—A. They did not.

Q. Was the talk in reference to whether or not Donovan's name was checked off or not loud enough for them to hear?—A. It was.

Q. Did they hear it?—A. They must have.

Q. Did you take part in that talk?—A. I did not.

Q. What acts did you see Stack do which you thought were criminal?—A. Well, the first act that I thought was criminal was when he went up to the clerk and gave the name of Charles A. Donovan, 45 McLean street.

Q. Whom did you suppose he was going to vote for for Congress?—A. I had no idea and it did not interest me in the least at the time.

Q. I thought you said you were a Conry advocate?—A. I was.

Q. Didn't you know that Kiley was a Keliher advocate?—A. I did not know that.

Q. Whom did you suppose Kiley was favorable to for Congress?—A. I supposed he was with his organization.

Q. Whom did you suppose the candidate was whom he favored?—A. I am trying to come to that.

Q. Name the man.—A. I say if he was with his organization he was for Keliher. - Q. Go ahead and tell me whom you think he favored.—A. I should think he would vote for Mr. Keliher. [Pausing.]

Q. Why did you hesitate to answer?—A. You might take things for granted.

Q. I asked you whom you supposed he favored, didn't I?—A. No; you asked me whom I knew he favored, I think; I am quite sure.

Q. Didn't I ask you whom you supposed he favored for Congress?—A. You might have started on that.

Q. And isn't that the question you were answering?—A. No; I have answered the question.

Q. Did you suppose you were answering that question whom you knew he was supporting?—A. That is the idea I had.

Q. Then the question you were answering and which you hesitated so long about was whom you supposed he was supporting?—A. I suppose so.

Q. Now, I want to know why you hesitated so long about answering the question as to whom you supposed he was fighting for?—A. Until I am enlightened on what you want I am in the dark.

Q. I don't think I will bother about that question. Now, you say that you saw Kiley in conversation with Stack. You knew Stack by sight?—A. I did.

Q. You knew that he was not Donovan?—A. I did.

Q. You knew this Donovan whose name was given there?—A. By sight.

Q. And knew that Stack was not Donovan?—A. I did.

Q. And from the door you knew there was an attempt being made on the part of Stack to violate the law by voting on another man's name?—A. Yes, sir.

Q. You knew that the man had just come from a conversation with Kiley?—A. Sure.

Q. And you supposed Kiley was a Keliher advocate?—A. I did.

Q. So you supposed when you saw Stack attempting to get a ballot on the name of Donovan—you believed that he intended to vote for Keliher in opposition to Conry, didn't you?—A. Now, to be truthful, I did not stop to think anything; I did not suppose he was voting for anybody.

Q. What did you suppose at that time he was trying to get a ballot for?—A. Well, I only realized the fact that he was voting—trying to vote—on another man's name.

Q. Did you suppose he intended to cast a ballot for somebody if he got a ballot?—A. The supposition never entered my mind. I was too busily thinking of the fact that he was voting or attempting to vote on another man's name.

Q. Why didn't you, when you realized that he was attempting to commit a crime, voting another man's name, why didn't you step to the officer that was 6 or 8 feet away?—A. When I got ready to speak there was so much noise my speaking would be of no avail.

Q. Did you cry out?—A. I did not.

Q. What did you do in the attempt to speak?—A. I was about to speak.

Q. What do you mean by that you were about to speak?—A. I was on the point of speaking.

Q. What do you mean by that you were on the point of speaking?—A. I was getting ready.

Q. That is to say, you were getting your mental apparatus ready, but had not got physically ready?—A. To tell you the truth, I hadn't the spunk.

Q. You knew Cameron would not enforce the law?—A. I did not.

Q. Do you think he was an honest officer?—A. I did not think at all.

Q. You knew if you said "I know that man is not Donovan" that the officer would protect you?—A. Please repeat that.

(Question read by the stenographer.)

Q. You stood within 8 feet of one police officer and within 17 or 18 feet of another?—A. I did.

Q. You saw Stack, whom you knew to be Stack, and heard what you have described in the way of talk, and you realized that he was attempting to vote on Donovan's name?—A. I did.

Q. And knew that he was not Donovan?—A. I did.

Q. You had time enough to speak to the officer and protest against that if you wanted to, didn't you?—A. I might have had time if I was—

Q. I ask you if you hadn't time. Now answer, yes or no; whether or not you had time enough to protest if you wanted to?—A. I had time, but not space.

Q. What space?—A. Between the first officer, the nearest officer, and myself there was Kiley and two or three or more men. The officer was in the corner, and between myself and the other officer at the end of the booth where the rails and things were, and I could not very well get over there.

Q. Did you attempt to go over to the other officer?—A. I did not.

Q. Couldn't you have cried out to the officer, who was 8 feet away, "I know that man is Stack; his name isn't Donovan. I know Donovan?"—A. I could, but the loud talk of Mr. Kiley and the noise in particular would have made any try which I might have made unheard.

Q. So that Kiley's voice was going continuously and so loud that nobody else's voice could be heard?—A. His voice could be heard above all others.

Q. Could you hear the conversation between the man who wanted to take the ballot and the man behind the rail?—A. I did not.

Q. Could not hear anything besides the talk that you heard from Mr. Kiley?—A. Yes; I heard the clerk.

Q. How many other persons did you hear talk?—A. The clerk and the warden.

Q. If the clerk and warden were able to talk and make themselves heard by you, why shouldn't you talk and make yourself heard by the police officer?—A. Well, I haven't got a voice like you; that is one reason, and I could not very well drowned the others with my voice, and Mr. Kiley and the clerk and the warden were not the only ones hollering. I could not testify as to whom the others were making the noise, but it was impossible for those three to make the noise that was made.

Q. Then, you mean that there was such a noise made in the way you describe that three men couldn't make it all?—A. That is a fact.

Q. And how many persons do you think were making the outcries?—A. I do not know.

Q. How many persons did you see in the act of doing anything that indicated that they were making outcries?—A. As I say, Mr. Kiley and the warden.

Q. How many, I ask you? You have told us about Mr. Kiley, the warden, and the clerk; that is three.—A. Those three I saw personally.

Q. Did you hear any more noise? A. There must have been more.

Q. What kind of noise was there in addition to Stack's noise and Kiley's talk, the clerk's talk, and the warden's that you heard?—A. There was loud talk—outcries.

Q. Do you mean it was talk on the subject as of one man talking to another, or was it outcries?—A. Outcries; it wasn't cat-calls.

Q. How many persons appeared to be making the cries?—A. It appeared to me almost every person in the booth was at it.

Q. How many persons do you think were in the booth at that time?—A. Well, probably—well, between four and five besides the precinct officers and the policemen.

Q. How many persons entire, altogether?—A. Well, perhaps ten altogether; ten or twelve.

Q. And how long did those loud outcries continue; how long in minutes?—A. I did not take out my watch and time them.

Q. Well, how long?—A. Perhaps two or three minutes.

Q. And during that time the outcries were so loud and the disturbance so great that you felt by raising your voice you could not communicate the idea to the police officer, 2 or 3 feet away?—A. That is it.

Q. It was not, then, because you were afraid?—A. As I said, I was about to do so.

Q. And I say to you it was not because you were afraid to raise your voice that you refrained from raising your voice, was it?—A. Well, I do not know.

Q. You do not know? Do you say now that you were afraid to raise your voice?—A. I realized that if I did something would happen.

Q. What did you suppose would happen to you if you raised your voice to that police officer that this man was trying to vote on another man's name?—A. I supposed the nearest man to me would strike me.

Q. Who was the nearest man to you?—A. I did not look to see.

Q. Whom do you suppose it was?—A. I did not suppose.

Q. Wasn't there somebody nearer to you than all others?—A. I suppose there was.

Q. Who was the person that was nearer to you than all others?—A. I do not know him.

Q. What did he look like?—A. I do not know.

Q. Was it a young man or old man?—A. I do not know whom he was or what he looked like.

Q. You said you were afraid that the nearest man to you would assault you; you were afraid of some one?—A. I wasn't afraid of anyone in particular.

Q. Now, I want you to tell me who was the nearest man to you that you were afraid of?—A. I do not know who he was.

Q. So that you put it this way: That some one was near to you and you can not give a description of him, and you do not know whether he was young or old, and yet you were afraid that that man would strike you if you told the officer what was going on?—A. Knowing the people about as I did.

Q. What people?—A. The people around.

Q. Around where?—A. The booth.

Q. What kind of people around the booth?—A. Ordinary people in Ward 8.

Q. Like yourself?—A. Not like myself.

Q. What is the difference between you and the other people?—A. I wasn't a Keliher man.

Q. You were the only Conry man there?—A. At the time.

Q. So that you knew Kiley and Stack were Keliher men?—A. I supposed so.

Q. Did you think that the police officer Cameron was a Keliher man?—A. I did not stop to think.

Q. Do you know whether he lives in the district or votes there?—A. No; I do not.

Q. What is the name of the other officer?—A. Clark, I think.

Q. Do you know whether he lives in that district or votes there?—A. No; I do not.

Q. Where was this man of whom you were afraid and thought would strike you if you made an outcry to the police officer, with reference to where you stood?—A. I can not say.

Q. Was he behind you?—A. I can not say.

Q. Was he in front of you?—A. I can not say.

Q. Was he to the side of you, right or left?—A. I can not say he would be on either side.

Q. You stood in the doorway. Now, you were afraid of a man and you do not know whom he was; or whether he was inside of the booth or outside of the booth, or in front or behind or beside you?—A. There was quite a few inside of the booth, in front of the booth, from the outside, and behind me.

Q. And you were afraid the police officer wouldn't protect you?—A. He might protect me afterwards.

Q. You felt if you pushed over to this police officer at once either way that some one of the people in front or behind you might assault you?—A. I testified I didn't have a chance of overcoming the space between me and the officer.

Q. How wide was that space?—A. Perhaps 4 feet.

Q. How many persons were in that space between you and where the officer was?—A. Three or four.

Q. In the 4-foot space 8 feet long you had a window, and an officer at the other end; you say that in that space, with only four persons in it, you could not get out?—A. With four persons of my size I could.

Q. Were they standing in a body?—A. No.

Q. They were up against the rail, weren't they?—A. They were not.

Q. Some of them were?—A. Some of them.

Q. Two of them were against the rail?—A. I wouldn't testify as to two being against the rail.

Q. Weren't they all close against the rail, talking with the clerk or warden behind the rail?—A. I could not say as to that; the only one talking to the clerk, against the rail, was Mr. Kiley.

Q. Kiley was the only one talking to the clerk?—A. He was talking to the clerk.

Q. Could you hear what the clerk said?—A. Partly.

Q. Could you hear what Kiley said?—A. Partly.

Q. Now, I say, with those men outside of the rail talking to men inside of the rail there was plenty of space in the 4-foot passageway behind Kiley and Stack?—A. Stack was on the other side; he was at right angles.

Q. There was plenty of room, 4 feet wide, for you to pass behind Kiley, wasn't there?—A. There was if an unobstructed passage, but it was obstructed.

Q. How did you know anyone would obstruct your passage?—A. They were not standing in line; they were passing around and enjoying the scene.

Q. What did you do after?—A. What did I do?

Q. Yes.—A. After what?

Q. After standing in the doorway and seeing the scene?—A. Well, after the scene was over I came out.

Q. Where did you go to?—A. I stayed around till the count was over.

Q. What?—A. Stayed around till the counting was pretty nearly over.

Q. Had you been at that precinct all day?—A. No, sir; I had not.

Q. When did you arrive at the precinct?—A. Probably 3 o'clock or half past 3.

Q. Who was with you?—A. No one.

Q. So that you were alone during the entire time?—A. Alone.

Q. What persons did you talk with while you were there?—A. I talked with this young Fitzpatrick boy, and I also talked with William Spaine, and I might have said some commonplace remarks of the day to two or three different people I saw outside of them, but I do not know as I had any talk with anyone.

Q. Where did you go to after the polls were closed?—A. I went home.

Q. Did you talk with your father about it then?—A. I did.

Q. Did you tell him what you saw?—A. I did.

Q. Whom else did you tell?—A. I told it in the house before my father and one brother.

Q. What is your brother's name, that one?—A. John J.

Q. Do you recall, in answer to a question of mine some fifteen or twenty minutes ago, that you said that you had not told what you saw to anybody till you told it to Conry?—A. Do I remember how I made—

Q. Answer the question.—A. I am trying to answer.

Q. I asked you if you answered that question?—A. Your question, what time.

Q. I asked you if you replied to a certain question. Say no, if you did not.—A. I do not know what your question was at that time. If you put the question as you put it then, I have no recollection as to what your question was then. You probably would not remember them, so you have got the graft.

Q. Got the what? What do you mean by the word "graft"?—A. Well, the way you have. What I mean by that word "graft" is where you have got it on the witness, for the witnesses have no notes to go by and the counsel may take down any slip the witness makes and remember it later on.

Q. Is that the reason you wouldn't answer the question I put to you?—A. No; it is not.

Q. Why don't you answer it?—A. Because I do not remember your ever putting that question. It was in another form entirely.

Q. Then, why don't you know that you did not answer that question?—A. I did not want to answer positively until I gave you a straight answer.

Q. Did you, in answer to any question I put, say that you did not tell what you have told on the witness stand to-day to anybody before you told it to Mr. Conry?—A. That was not your question, if I remember correctly. If the stenographer will read the question—

Q. Answer the question.—A. No; I would like to have the stenographer read the answer.

Q. You will answer it and the stenographer won't read it?—A. I will say no to that question.

Q. What persons did you tell that to besides your father and your brother?—A. No others to my knowledge.

Q. Did you tell your father that you saw the man vote?—A. I did not.

Q. Did you tell your father that you saw him have a ballot?—A. I did not.

Q. Did you tell your father that he tried to vote?—A. I did.

Q. Did you tell him whose name he tried to vote on?—A. I did.

Q. Where was Donovan that day?—A. I do not know.

Q. Did you see him?—A. I did not.

Q. Where did he live?—A. In 45 McLean street, Boston.

Q. Was that his voting precinct?—A. That was his voting precinct. I do not know whether he lived there or not.

Q. That precinct at which you say this thing took place was where Donovan properly voted?—A. Yes; it was right opposite the booth.

Q. Donovan was a cousin of the City Clerk Donovan?—A. He is.

Q. And he was a well-known man there?—A. Well, he is not very well known.

Q. He has lived right opposite where the booth is?—A. He is registered there.

Q. How old a man is he?—A. I do not know. He is a man with gray hairs.

Q. How old do you think he is?—A. I wouldn't judge a man with gray hairs. It is hard to tell.

Q. How old does he look?—A. Forty or 45.

Q. How much does he look like Stack?—A. As much as you and I look alike. The only difference is that you wear glasses.

Q. And these two men had no more resemblance than we do?—A. Just about.

Q. Stack was how old a man?—A. Stack is perhaps a fellow around 28.

Q. Where does Stack live?—A. I do not know.

Q. What is his business?—A. I do not know that.

Q. How did you get acquainted with him?—A. Well, I met him about eight years ago.

Q. Where?—A. Around through the West End.

Q. What was he doing and what were you doing then when you met?—A. We were boys then.

Q. Where did he live then?—A. I do not know anything about where he lived.

Q. You were going around eight years ago?—A. No; I do not say we were going around. I met him by accident; he happened to be in the crowd I went around with.

Q. Anybody introduce you?—A. No, sir.

Q. How many years did your acquaintance keep up?—A. Well, we always knew each other by name; at least, I knew his and suppose he knew me by name.

Q. How long did you know this old man Donovan?—A. I do not know him to speak to him.

Q. Did not know him to speak to him?—A. No, sir.

Q. Who were the precinct officers behind that rail?—A. Well, outside of Mr. Gray, the warden, and Mr. Goldstein, the clerk, I do not know who they were.

Q. Was Gray a Republican?—A. He was a Democrat.

Q. Was Goldstein a Republican?—A. Supposed to be.

Q. Did you vote in a Republican caucus recently, within two years?—A. I did not.

Q. Did you vote in a Democratic caucus within two years?—A. I did.

Q. Where?—A. In the Wells schoolhouse, a year ago last city election.

Q. Were you a candidate for anything then?—A. I was not.

Q. Was your brother a candidate for anything within the last two or three years?—A. He was last year.

Q. In what caucus?—A. In the Republican caucus.

Q. Candidate for what in a Republican caucus?—A. Common council.

Q. He was defeated?—A. He was defeated.

Q. Did you vote in the caucus for him?—A. I did not.

Q. Did you go in the caucus at all?—A. I did.

Q. You were there in the caucus room?—A. I was in the caucus room.

Q. But you did not vote?—A. I did not.

Q. Stack was there?—A. I did not see him.

Q. Don't you know he was there with your brother?—A. My brother wouldn't have him around.

Q. How do you know?—A. Because he don't know him.

Q. Did your brother tell you he did not know him?—A. He did.

Q. When?—A. Afterwards he wanted to know who this Stack was, when I spoke to him that night about what I saw.

Q. Did you tell your father or brother that one of the Conry men came near getting into trouble?—A. Did I what?

Q. Did you tell your father or brother, or anyone else in their presence, that one of the Conry men came near getting into trouble?—A. No, sir.

Q. Or anything like that?—A. No, sir.

Q. Did any Conry men come near getting into trouble there?—A. No, sir.

Q. Was Stack a Conry man?—A. I do not think he was.

Q. Weren't you a Conry advocate?—A. I was.

Q. And weren't you trying to get all your friends to vote for Conry?—A. Well, I was.

Q. Was he the friend of yours that you said years ago you went around with?—A. I never said he went around with me, personally.

Q. Didn't you say that he went around with the crowd you went around with and that you met together? You were on speaking terms with him all the time. Didn't you ask him to vote for Conry?—A. I did not.

Q. Did you ask anybody to vote for Conry?—A. I did.

Q. Did you solicit votes for him as well as you could?—A. I asked people to vote for him.

Q. You asked your friends to vote for Conry, who was your friend?—A. As well as their friend.

Q. Who paid you?—A. I have not received a cent. I do not think Mr. Conry ever heard of me or ever saw me till a week ago.

Q. And after you talked to Mr. Malley and Mr. Lynch at your house where did you go?—A. Well, I stayed in the house probably for an hour or half an hour or so and then I went out.

Q. How soon after that did you go to see Mr. Conry?—A. I went down the next morning.

Q. What did you go down to see him for?—A. Mr. Malley told me to call on him and see him and talk it over.

Q. What reason did Mr. Malley give for having you go down to see Mr. Conry?—A. He said he wanted to see me, to talk with me.

Q. What did he want to talk with you about?—A. About what I am testifying about.

Q. Didn't it seem strange to you that a lawyer of Mr. Malley's high standing at the bar, and extensive practice, should be around at nighttime with an unknown fellow named Lynch, calling on you and advising you to go and see his client.—A. Well, it perhaps may, a little; just a little.

Q. Did you comply with his request at any rate?—A. Yes, sir.

Q. And called at his office on State street. How long did you stay there?—A. Well, probably 40 minutes or something like that, or three-quarters of an hour.

Q. Did you sign a written statement?—A. I did not.

Q. Did you write a statement?—A. I did not.

Q. Did anybody take notes while you were there?—A. Not a soul.

Q. What did you talk about while you were there?—A. What I am talking about now.

Q. Tell me what you told him, in the way that you told it to him?—A. It would take 40 minutes more. Some things I talked about did not relate to this case at all.

Q. What other things did you talk about besides this case?—A. Well, he asked me what I saw down there. He asked me in relation to my father, etc.

Q. What did he say to you about your father, and what did you say to him?—A. He wanted to know who he was, and then when I told him, he said he had met him, and various other things outside of this case.

Q. What were the other things?—A. I refuse to answer any question.

Q. Why do you refuse to answer any questions as to the talk between you and Conry?—A. Do you really want to know? I will tell you personally. It would not enlighten you any, and I refuse to tell you. It was personal things. I decline to answer any personal questions. Outside of this it was an entirely personal conversation.

Q. Tell me what he said to you?—A. I decline to answer.

Q. Are you afraid to tell me what you said to Conry?—A. Not at all.

Q. Are you afraid to tell us what was said because it would affect the weight of your evidence?—A. Not at all. My time is more valuable than yours.

Q. What did you want him to know? What things are you so guarded about that your time is so valuable?—A. My supper is the principal thing.

Q. So you refuse to answer my question thinking that will perhaps hasten your departure from the court room?—A. Not now.

Q. Answer my question and perhaps you will get your supper quicker?—A. I decline to answer.

Q. Is that the only reason that you can give for declining to answer is that you want your supper?—A. No.

Q. What is your real reason?—A. Because it was a personal conversation.

Q. A personal conversation concerning you and Conry?—A. I do not know as it concerned but one.

Q. What consideration were you to get for going out and telling this story?—A. Nothing at all; it was a voluntary act on my part, sir; I made the first overtures to Mr. Conry, and I wrote to him telling him I would come here to testify expecting no remuneration.

Q. You knew where the police station was, didn't you?—A. I did.

Q. Did you go to the police department and make complaint to them?—A. I did not.

Q. Why didn't you?—A. My complaint would not have much weight.

Q. Why wouldn't your complaint have much weight with the police department?—A. Because I was aware of the condition in that division.

Q. Didn't you know that the police board had headquarters at Pemberton square?—A. I did.

Q. Didn't you know that they would listen to any complaint that you had to make as to violation of the law that took place in the presence of their two officers?—A. I did not know whether they would or not.

Q. Why not?—A. Because I didn't think it would be of any avail.

Q. Did you think the police commissioners of Boston were in the control of Martin Lomasney and Mr. Kiley?—A. I did not think so, for I practically know it from the facts that appear.

Q. What things have occurred that enabled you to know that?—A. Various things.

Q. What are the various things that enable you to come to that conclusion?—A. I do not think it has anything to do with this.

Q. I think it has.—A. It is just an opinion I have; I do not know as I can name any particular fact that it was founded on.

Q. It was founded on some well-worn statement?—A. No; it is not well worn.

Q. It is not founded on any facts that are within your knowledge?—A. Yes; it is.

Q. On what facts?—A. The fact that they are pretty influential with the police department, and I found out to my sorrow at one time.

Q. What experience did you have with the police department to your sorrow?—A. I was expecting a position in the police department at one time.

Q. And what happened, to your sorrow?—A. Well, I was about to obtain the position when there was some influence brought from the Hendricks Club.

Q. You were about to obtain the position in the police department and you would have succeeded if it had not been for the influence that the Hendricks Club brought to bear to prevent your securing that position?—A. That was it.

Q. When was that?—A. That was about a year ago.

Q. A year ago this month, do you think?—A. Yes; it was during March.

Q. During March, 1902.—A. Yes, sir.

Q. And at that time you were a member of the Hendricks Club?—A. I was.

Q. And you knew that Mr. Lomasney held high office in the Hendricks Club?—A. I knew it; yes.

Q. And Mr. Kiley was quite a prominent man there too, and you attributed to them your failure to secure the appointment in the police department?—A. I did.

Q. How soon after did you attribute it to them?—A. Around September.

Q. It was before election, naturally, so that you knew whom your enemies were before election?—A. I knew it.

Q. You knew that Kiley was your enemy and prevented you having a good job.—A. I knew that before.

Q. And you wanted to get square?—A. Not to get square.

Q. No feeling of revenge at all?—A. Just a little.

Q. And you were cherishing that against him and gradually accumulating till you

have got yourself in that condition of mind that you will swear to anything to get square?—A. No; I would stop at perjury.

Q. Haven't you been told that you would not be prosecuted for perjury for anything that you said here?—A. No, sir.

Q. Nobody has given you any information as to whether you will be prosecuted or protected?—A. I know I won't be prosecuted.

Q. How do you know you won't be?—A. Because everything I state is truth.

Q. How do you know but what the police officers and Kiley and all the witnesses will swear it is not true? How do you know but what you will be prosecuted for perjury?—A. I do not know anything about that.

Q. You are taking your chances?—A. I am taking my chance.

Q. Who induced you to take such chances as that?—A. Myself.

Q. And you are trying to get square with Lomasney and Kiley because they prevented you getting into the police department?—A. Because I was a partisan of Mr. Conry, and that was the first reason and real reason and only reason.

Q. You wanted to get him seated in Congress. What do you expect out of it? To get in the police department then?—A. No; the principal thing is the love of influence.

Q. Not Kiley and Lomasney?—A. And Keliher; and right down the line.

Q. Did you ever solicit Keliher for a job?—A. No—yes, I did.

Q. When was it?—A. I do not know when that was.

Q. I think you know. Now, tell me when it was?—A. I do not know definitely the date.

Q. Not definitely, but you can come pretty near to it. Now, when was it?—A. I can come within a month, I think. Will that help you?

Q. Yes; that is right.—A. Around August.

Q. Last August? So that this man Kiley, who had prevented you—who had with Lomasney prevented your going in the police department in March last, you went to in August to secure his influence to get you a position. Where?—A. I decline to answer.

Q. I know. Tell me. Where did you want the position that you asked Kiley to help you to get?—A. I decline to answer.

Q. What position did you aspire to for which you asked Mr. Kiley to render you assistance?—A. I decline to answer, for it is a personal matter to me.

Q. Could Kiley help you?—A. He could not.

Q. When did you ask him?—A. I did not know it till afterwards. I think he—

Q. You think he could?—A. I think he could not.

Q. What was your ambition in the police department?—A. I decline to answer that.

Q. What was the job you were after in the police department that was promised to you and that Kiley and Lomasney and others in the Hendricks Club prevented you getting in March a year ago?—A. I decline to answer.

Q. Are you ashamed to tell what the job was that you were after?—A. No; I am not ashamed.

Q. Did you try to be a clerk?—A. No.

Q. To be a driver?—A. No.

Q. Or policeman? Or did you take any civil-service examination?—A. No, sir.

Q. You wanted to be appointed without any?—A. I think not.

Q. Did you ask Mr. Kiley to assist you to get that place?—A. Another place.

Q. What position did you in August last ask for, and if he would assist you to get it?—A. I decline to answer.

Q. Why do you decline to answer that?—A. It was a personal matter relating only to me.

Q. I insist on having an answer.—A. I insist on declining.

Q. Didn't you come here to tell the whole truth?—A. Any personal questions I decline to answer.

Q. You went on the stand intending to answer whatever you pleased to answer, and not answer anything that you do not care to answer?—A. I intend to answer anything relating to this case. That relates to another case.

Q. Have you got another case against Kiley?—A. That case is in the abstract.

Q. What case is this in the abstract? Have you got any suits against Kiley?—A. Not that I know of.

Q. What did Kiley tell you when you went to him in August?—A. He gave me a letter to a certain place.

Q. And you found out he could not get the place, and then you insisted on Kiley getting it for you?—A. I did not. I let the matter drop entirely. If I went any further I would let you know all about it. But I let the matter drop. He honestly did all he could at that time.

Q. He "queered" you in March, then?—A. If you want to say it.

Q. And you haven't forgotten him yet?—A. I do not know as I have forgiven him or not.

Q. Was Kiley a friend of yours on election day last?—A. He never was what I call a friend of mine.

Q. Did you meet Mr. Conry before election day?—A. I did not.

Q. At whose request did you meet him?—A. My own.

Q. Did you contribute anything toward Conry's fund?—A. I did not.

Q. Did you see anybody getting paid for a Conry vote?—A. I did not see anybody getting paid from either side.

Q. But you were watching for crooked work?—A. I was watching for anything that came along.

Q. How many times did you vote that day?—A. Once.

Q. Where did you vote?—A. Down in precinct 6.

Q. What time did you vote in precinct 6?—A. That was probably around noon time. No; I would not say noon—possibly 11 o'clock.

Q. Now, did you spend the entire day about the polling booths?—A. I did not.

Q. Did you spend the entire afternoon at the polling booth?—A. I did not.

Q. Where did you go after voting at precinct 6?—A. I went home.

Q. What did you go down to this other precinct for?—A. I was curious to see how things were.

Q. Where do you live?—A. On Chambers street.

Q. How near was the polling booth at which you voted from where you lived?—A. Perhaps seven minutes walk.

Q. Was that the nearest polling booth to where you lived?—A. No; I shouldn't call it the nearest. Precinct 4 is the nearest polling place to my house.

Q. Is precinct 4 where this Stack affair took place?—A. It is.

Q. Now, what time did you leave the voting booth at which you voted to go home?—A. Right after I cast my vote.

Q. What time was that?—A. Shortly after 11.

Q. What time did you leave the house after reaching home then?—A. Well, probably around half past 2.

Q. Where did you go to?—A. Down to the booth, precinct 4.

Q. And you remained at precinct 4 till after closing the polls?—A. I did.

Q. And the only thing you saw that was suspicious is this thing that you have told us about—the Stack matter?—A. I did.

Q. Did you know the people who have a right to vote in that booth, the most of them?—A. I did not know the most of them, because I think there was about 400.

Q. Did you see a man named Morse down there?—A. I did not.

Q. Do you know him?—A. I do. What Morse are you speaking about? I know a Morse.

Q. I mean that one that was here as a witness. You have visited his house?—A. I never visited his house, and never spoke to the fellow the last couple of years.

Q. Before two years ago you and he were friendly? Didn't you and he go around in the same element? Wasn't he a friend of Stack's?—A. He was not.

Q. When did you get acquainted with Morse, the witness?—A. I knew him as far back as I can remember.

Q. I say when did you first get acquainted with him?—A. I forget the date, but it was many years ago.

Q. How well did you get acquainted with him?—A. To say "Good morning," and "How do you do?" on the street.

Q. Did you live together?—A. Within a quarter of a mile of him.

Q. Did you meet frequently?—A. I may have.

Q. During the nighttime generally?—(No reply.)

Q. How long did you know McDonald?—A. I never saw him till the other day.

Q. Did you see his cut in the paper after he testified?—A. I do not know as I did.

Q. So about half past 2 on election afternoon you went to precinct 4?—A. I did.

Q. And from half past 2 until after the close of the polls at 4 you remained at precinct 4?—A. I think I did; yes, sir. I may have walked 40 or 50 yards away from it, but I was in that precinct.

Q. And at that booth?—A. Well, within 40 or 50 feet of it all the time.

Q. What was your object in staying there?—A. Kind of looking to see if I could obtain votes of my friends.

Q. Soliciting votes?—A. Certainly.

Q. Did you solicit votes?—A. I do not know how many I succeeding in soliciting, from the returns, but I asked quite a number.

Q. What you mean is that you did ask for quite a lot, but you do not know that

you succeeded?—A. Well, if all I asked voted for him there would be a few more returned in that precinct; a few more votes to his credit.

Q. Did you see Mr. Kiley there?—A. I did.

Q. When you first got there about half past 2?—A. Well, I would not say as to that.

Q. Where was Mr. Kiley when you first saw him that afternoon?—A. When I first saw him he was at the booth.

Q. What time was it that you first saw him that afternoon?—A. I have no recollection as to that.

Q. How long were you there when you did see him?—A. Well, I don't know.

Q. About how long?—A. Possibly half or three-quarters of an hour.

Q. Say perhaps half past 2 to 3 o'clock you saw him?—A. I think I struck there about half past.

Q. You mean you arrived there. You arrived there at half past 2 and about 3 o'clock you saw Mr. Kiley?—A. Around 3 or quarter past.

Q. It wasn't earlier than quarter past 3 that you saw him there the first time?—A. I would not swear as to that, but it was about 3 o'clock.

Q. Who was he talking with the first time?—A. I did not notice.

Q. Who was he talking with anytime you saw him?—A. He was speaking to various people; I did not notice whom they were.

Q. Is that the place at which Kiley votes?—A. I think it is; I am quite sure it is.

Q. Do you know whether he was there all day or not?—A. I do not know as to that.

Q. Do you know whether he was assigned for duty all day?—A. I do not know who was assigned; I wasn't in on that.

Q. Don't you know it is customary for a person to be assigned to each one of the booths?—A. I think it is.

Q. The Democratic club assigns certain persons to attend the booths all day—the polls all day. You saw him?—A. Yes, sir.

Q. You assumed that one was Mr. Kiley?—A. I did not assume it.

Q. Did you have any talk with Mr. Kiley that day?—A. I did not.

Q. Did you speak to him?—A. No, sir; I did not.

Q. Why did you refrain from speaking to Mr. Kiley?—A. Simply because I did not feel like it.

Q. Why didn't you feel like speaking with a man you knew so well?—A. I did not know him so well.

Q. You had asked him to get you a position the August preceding. Why didn't you speak to him?—A. I do not know.

Q. Your ill feeling was such that you did not recognize him?—A. I could not call it that; I was just disposed not to speak to him.

Q. Why were you of that disposition at that time?—A. Something I can not explain; it is part of my nature; I may speak to a person to-day and then I may not.

Q. Do you mean by that that you are peculiar?—A. Peculiar as it is.

Q. You have vagaries?—A. No; hardly.

Q. None of those?—A. No; I do not remember any.

Q. What?—A. I never have those.

Q. But you have peculiarities?—A. Well, all of us have.

Q. And it is due to those peculiarities that you did not speak to him whom you knew?—A. That is it.

Q. Did you call the attention of anyone to the fact that you saw this Mr. Kiley speaking to Mr. Stack?—A. No, sir.

Q. Were there any policemen about when you saw Mr. Kiley talking to Mr. Stack?—A. They were in the booth.

Q. Were there any other persons besides that saw Mr. Kiley talking with Mr. Stack?—A. I do not know whether they saw him, but if they were looking in that direction they could see him. There was an attempt at concealment there and secrecy.

Q. You walked after them, didn't you?—A. I did not.

Q. You knew where they went?—A. They went behind the booth.

Q. You knew they went away from the side of the booth that you were at?—A. I knew they went behind the booth.

Q. Didn't you go behind the booth at some time or other?—A. I did not.

Q. Were you working at that time?—A. I was not.

Q. How long had you been out of work?—A. Well, perhaps two months.

Q. When did you get out of work?—A. July or August.

Q. Last year?—A. Yes.

Q. You haven't been working since?—A. I have; I worked up to last Saturday.

Q. Did you leave your job last Saturday?—A. I did.

Q. Did you get discharged?—A. I left.

Q. What were you doing?—A. Doing clerical work for the General Electric Company, in Lynn, in the paymaster's office.

Q. How long were you working for the General Electric Company?—A. About a month.

Q. Who secured you that position?—A. I secured it myself.

Q. Through whom?—A. Nobody in particular.

Q. How did you get acquainted with the people who control the General Electric Company?—A. I wrote a letter down there to Mr. Fish, the manager.

Q. About what?—A. About securing a position.

Q. Did Mr. Conry assist you in getting it?—A. No, sir.

Q. Did he know anything about it?—A. He knew nothing about it.

Q. Were you living at home with your father in May, 1902?—A. Yes, sir; I was.

Q. And you have always lived at home, and wherever his home was was yours?—A. Yes, sir.

Q. Since the night of election, November 4, up to a week ago, when you saw Mr. Kiley, did you have any talk about this case with anybody?—A. Only the talk he had.

Q. I say outside of the talk you had at home on the night of election, did you have any talk with anybody outside of the talk you had with Mr. Malley?—A. Yes; I talked with the young Fitzpatrick boy.

Q. What did you say to the young Fitzpatrick boy, and when?—A. About two months ago.

Q. Where?—A. It was about the West End.

Q. On what street?—A. About Chambers street.

Q. And what time?—A. I could not say as to the time.

Q. Day or night?—A. In the evening.

Q. On Chambers street? What did he say to you and you to him?—A. He met me and wanted to know what was ever done about that Stack affair, and I told him I did not know anything about it, and told him I never heard what they did about it, and that was the limit of our conversation.

Q. Anything else said about it at that time, or since then?—A. Nothing else, or since then.

Q. Why did you leave that job on Saturday?—A. It is so far away from my home.

Q. That is the only reason?—A. Well, yes; that is the only reason—to go down there in the morning and back at night.

Q. When did you know that you were summoned to come here?—A. I haven't been summoned here; I voluntarily came.

Q. How did you know that they wanted you here?—A. Mr. Malley told me.

Q. When did you see Mr. Malley?—A. I saw Mr. Malley—I think it was Thursday.

Q. Where did you see him last Thursday?—A. Mr. Conry's office.

Q. Where was Mr. Conry's office last Thursday?—A. The same place it was Wednesday, on State street.

Q. The same office?—A. Yes, sir.

Q. Mr. Malley was there when you called?—A. He was not; he came in after I had been there.

Q. Was that by arrangement?—A. It was not.

Q. Had you been to Mr. Conry's office the day before, on Wednesday?—A. I had.

Q. And spent forty minutes there that day?—A. I did.

Q. And was it his request that you call the next day?—A. No, sir.

Q. Why did you call the next day?—A. Because I wanted to see him about what day I would be called up, and give him a definite answer as to whether I would testify or not.

Q. Didn't you tell him Wednesday you did want to testify?—A. I did.

Q. And didn't he know on Wednesday whether you would testify?—A. I told him on Wednesday I would give him a definite answer on Thursday.

Q. Hadn't you written him a letter, according to your own statement, telling him you had seen certain things?—A. Yes, sir.

Q. And hadn't you gone to his lawyer's office and talked it over with Conry and told him you were ready to testify?—A. Mr. Conry asked me if I would come on Thursday, and I told him I would let him know, and I consulted my father at home.

Q. What did you consult your father about?—A. Whether it was advisable to testify to-day or not.

Q. You consulted with your father as to whether it would be advisable in his opinion to testify to this story?—A. It is no story; it is the truth.

Q. Well, to this narrative, we will put it, a truthful or untruthful narrative.—A. Yes, sir.

Q. So you wished, after talking it over it over with Mr. Conry in his office forty minutes, and talking about some action that you don't want to tell us of, you then wanted to talk with your father and have your father determine for you and with you whether it was advisable for you to come to court and testify. That is a fact, as I state it?—A. Yes, sir.

Q. Now, what was there that Mr. Conry said to you that you desired to submit to your father?—A. The only thing he said was, was I willing to go on the stand and state it?

Q. You had told that you were and your father knew that you were?—A. No; my father did not know. I supposed my information could be used without my testifying up to that time.

Q. How could it be used without your testifying?—A. I did not stop to think.

Q. Isn't this it: That you put yourself in communication with Mr. Conry by means of a letter telling him something you saw, but that you wanted to see him in order to get him, or some representative of him, to call on you?—A. I sent him a letter telling him that I had some facts that I would like to tell him that I had seen, not what I like to have seen, but what I had seen.

Q. Wasn't it to get his representative to come down to your house?—A. Not at all; I was surprised when Mr. Malley came.

Q. What did you say to him in the letter?—A. Just what I told you.

Q. You didn't tell me before anything that would make any one surprised at Mr. Malley's coming. State again what you did put in that letter.—A. I stated I had information relative to an illegal voting in Ward 8, precinct 4, and then I told him—

Q. Hold on. That is not the way to put it.—A. And saw a man named Stack and Mr. McCarthy and Kiley in conversation, and then Mr. Kiley and Mr. Stack entered the voting precinct booth—precinct 4—and Stack cried out the name Charles A. Donovan, and the clerk said the name had been checked, and Mr. Kiley insisted it had not, and he appealed to the warden, who said it had not been checked, and then there arose quite a loud talking, and during which Stack voted and went through and out and met Mr. McCarthy and Mr. Kiley at the outside of the voting booth, and then went off with a friend.

Q. That is what you wrote in the letter to Mr. Conry?—A. Yes, sir.

Q. Now, didn't you tell me a short time ago, when I first began to cross-examine you, that you only wrote about 3 lines?—A. About 8 lines.

Q. And didn't you say that you didn't go into the details at all, and that you did not mention any names in the letter?—A. No, sir; I did not.

Q. Didn't you say it would not take up more than two or three lines on a sheet of paper?—A. I said it would take up 8 or 9 lines.

Q. Did you say that you could put all that you have just talked of in 8 or 9 lines?—A. I would.

(Mr. Moran asks Mr. Malley to produce the letter referred to.)

(Recess till 8 p. m.)

I, Helen P. Nelson, being duly sworn to take correctly and transcribe the testimony in the above case on 14th March, 1903, do hereby certify that the following is a true transcript of the testimony in the said case.

HELEN PERRY NELSON.

Cross-examination of Francis X. Donovan, by JOHN B. MORAN:

Q. We adjourned here about 6 o'clock. Where have you been since 6 o'clock?—A. I went to the Maverick House and had some lunch.

Q. The Maverick House, East Boston?—A. I think it was the Maverick House. Down opposite the entrance to the new tunnel, I think.

Q. With whom?—A. Myself.

Q. Go alone?—A. Alone.

Q. Meet anybody connected with the case there?—A. No, sir.

Q. Talk with anybody since you left the witness stand?—A. Only in the out room, afterwards.

Q. With whom?—A. Mr. Malley.

Q. What talk did you have with him in the side room?—A. Mr. Malley said if I would stick to the truth, as I had been doing, I would come out of it unscathed.

Q. What did you say then?—A. I said I intended to, as I never told a lie on the witness stand.

Q. Have you been on the witness stand frequently?—A. Pretty frequently this afternoon.

Q. Other than this afternoon?—A. No, sir; I never was on it before.

Q. You would not tell a falsehood either on the witness stand or off?—A. If I was not under oath I might.

Q. Is it your habit when not under oath to tell falsehoods?—A. Not serious ones.

Q. You do not fear any prosecution if you do tell a falsehood here?—A. I trust to my manhood not to tell one.

Q. I ask you if you fear any punishment for telling any falsehoods?—A. I do not fear any punishment because I am not—I do not tell any, so I could not fear any.

Q. Then you are not prevented from telling any falsehoods by any fear?—A. Only by the oath.

Q. What fear have you in relation to falsehoods?—A. I never committed a grave—

Q. What fear have you that would prevent you from telling a falsehood here on the witness stand?—A. I have no fear.

Q. Then it is purely a question of honor with you whether you tell the truth or falsehood?—A. A question of honor and respecting my oath.

Q. And in determining whether you will tell the truth when not on the witness stand and not under oath it is also a question of honor with you? Your conscience does not trouble you when you tell falsehoods not upon the witness stand?—A. It does if they are very serious ones.

Q. Then you have told serious ones. Falsehoods have troubled you off the witness stand?—A. No; it never troubled me, because I never told any serious ones.

Q. Is that the only conversation you have had since 6 o'clock to-night?—A. I have had a conversation with Mr. Conry.

Q. Where did you see him since adjournment?—A. In the room adjoining.

Q. The rear room there?—A. Yes, sir.

Q. How long a conversation did you have with him?—A. Perhaps a couple of minutes.

Q. What did you talk about?—A. He congratulated me on my coolness in your presence.

Q. What else did he talk to you about?—A. That is all.

Q. Talked two minutes to you saying that?—A. He put some flourishes on. I am giving you the gist of it. I don't remember it because I didn't commit it to memory at the time.

Q. What else did he say besides that?—A. That is all. He asked me if I was going home to supper and coming back, and I told him no, that it would take considerable time to go home and come back again. I asked him where would be a good place to go to lunch and he told me.

Q. Have you been given money by anybody since 6 o'clock?—A. No, sir.

Q. Have you been given money by anybody since this case?—A. No, sir.

Q. You do not expect any?—A. I suppose I will get witness fees; I would not be disappointed if I did not.

Q. What else are you to get?—A. Nothing that I know of.

Q. What was the subject that you and Mr. Conry talked of that you had to consult your father about?—A. Whether I would be willing to go on the stand to-day or not.

Q. What was that conversation that you refused to give me before we adjourned that you had with Mr. Conry?—A. That was of a personal nature.

Q. And you refuse to give it to me now?—A. I do not see that it will enlighten you any; we talked about personalities, that is all.

Q. You talked about matters interesting to you?—A. Yes, sir.

Q. And to your father?—A. Yes, sir.

Q. And concerning you and your father?—A. Yes, sir.

Q. Your father went into office under a Republican mayor?—A. Yes, sir.

Q. He was removed from office under the Democratic mayor, Collins?—A. Yes, sir.

Q. Did you attempt to secure your father's retention in office?—A. Not in any way.

Q. Did you know of your father going down to Mr. Lomasney or Mr. Kiley?—A. No; I do not know as he did go to them.

Q. Did you discuss with your father after leaving Mr. Conry's office the other day whether it would be beneficial for you and him to have you testify in the manner outlined?—A. No; I just asked him.

Q. I asked you if you discussed the question whether it would be advantageous for you and for him to have you testify in the manner outlined?—A. I didn't discuss the advantageous part at all.

Q. Didn't you tell him what you and Mr. Conry had talked over? Didn't you tell him what you and Mr. Conry had been talking over?—A. Not fully.

Q. But partially?—A. Partially.

Q. You didn't at that time tell your father the story that you have told Mr. Conry

as to what you claimed you saw on election day?—A. I told him that the night of election.

Q. I am not talking about the night of election; I confine you to a particular night, the night you saw him after leaving Mr. Conry's office a few days ago. Did you then go over with your father the story you had told Mr. Conry?—A. Not fully.

Q. But did you go over it partially with him?—A. I did.

Q. That is, you repeated to him then a portion of the story you had told him on the night of election?—A. I repeated the whole story. I didn't repeat any of the story I had told him on the night of election because he already knew that.

Q. On the night that you went to see your father after talking with Mr. Conry in his office, did you then repeat to your father the substance of the story which you told Mr. Conry relating to election day proceedings?—A. No; I didn't.

Q. Didn't your father ask you what story you told Mr. Conry?—A. Yes, sir.

Q. And didn't you tell him what story you told Mr. Conry?—A. I told him that night.

Q. Told it over to him?—A. No; I just told him it was the same.

Q. Was your father present when you wrote that letter you sent to Mr. Conry?—A. No.

Q. Did you keep a copy of that letter?—A. No.

Q. Has your memory been refreshed since recess?—A. On what lines?

Q. On that line of that letter.—A. No.

Q. Have you been talked with about the contents of that letter since adjournment?—A. No.

Q. Not a word said to you by anybody and you have not said a word to anybody about it?—A. I have not.

Q. I want you to state to me all the conversation that you heard Mr. Kiley make on election day; every word you heard him utter.—A. The part I heard him start with was that you had just checked it off.

Q. Referring to the name of Donovan?—A. Yes, sir; just speaking to the clerk then. I do not know his exact words, but he spoke to the warden.

Q. I ask you what the words were that you can remember.—A. The substance was as to whether the name was checked off.

Q. What did Mr. Kiley say? That is what I am after.—A. I do not remember his exact words.

Q. What was the substance of what he said?—A. As to whether the name was checked or not.

Q. Did he ask a question?—A. Yes, sir.

Q. Then, he said to the clerk, "Is Donovan's name checked?"—A. Yes, sir. I will not say whether he said that or "Is that name checked?" but that was the gist of the question.

Q. It was one of those two?—A. I will not say it was one of the two, but it was on that line.

Q. Was that said after he said "I have just checked that off?"—A. He spoke to the clerk and then to the warden.

Q. The warden was a Republican?—A. Evidently.

Q. And the clerk was a Democrat?—A. He was.

Q. And he said to the the warden, "You have just checked it off?"—A. No; he said to the clerk, "You have just checked it off."

Q. And then he turned to the warden and said, "Is it checked off?"—A. He said something to that effect.

Q. What did the warden say in reply to him?—A. He replied it was not checked off.

Q. So the warden said?—A. Yes, sir.

Q. Did the clerk say whether it was checked off or not?—A. The clerk said it was checked off.

Q. What was the name of the warden?—A. Henry Gray.

Q. Did Mr. Kiley say anything else?—A. No; not that I know of.

Q. And he stood outside the rail at the time he uttered these two sentences?—A. He did.

Q. And you were all the time at the door, standing on the threshold leading to the booth?—A. Yes, sir.

Q. And within 5 or 6 feet of where Kiley stood all the time?—A. Yes, sir.

Q. And you were present during the entire time that Kiley was inside the booth?—A. Yes, sir.

Q. After Kiley said those two things, did the warden say anything?—A. I didn't hear him.

Q. Did the clerk say anything after Kiley said those two things?—A. Immediately that the warden replied that there was much loud talking.

- Q. What made the loud talk?—A. Mr. Kiley led it.
- Q. What did Mr. Kiley say?—A. I do not know as to his exact words.
- Q. Give any of the words he said.—A. I can not.
- Q. You have no memory of any of the words he uttered?—A. No.
- Q. Nor can not give the idea he expressed?—A. No.
- Q. Not a word nor an idea?—A. No.
- Q. You have no memory about it?—A. No.
- Q. That is entirely blank—your memory is an entire blank?—A. Not at all.
- Q. As to what he said?—A. Yes, sir; as to what he said.
- Q. As to the substance or words of what he said?—A. Yes, sir.
- Q. Did the warden or clerk say anything further?—A. Not to my knowledge.
- Q. You heard nothing?—A. No.
- Q. That is, the warden and clerk didn't reply to the two questions or assertions which Kiley made?—A. The clerk made reply to the name when it was called out.
- Q. Didn't the clerk reply when Kiley put the question, "Is that name checked off?"—A. Kiley didn't put the question, "Is that name checked off?"
- Q. Didn't Kiley put the question, "Is that name checked off?" or "Is Donovan's name checked off?"—A. No, sir.
- Q. He didn't put any such question as that?—A. No, sir.
- Q. Didn't Kiley put any question at all?—A. Only to the warden.
- Q. What question did he put to the warden?—A. I can not tell his words, but to the effect, "Is that name checked?"
- Q. The warden made a reply to that instantly?—A. Yes, sir; that it was not checked.
- Q. Did the warden say anything after making that reply?—A. No, sir.
- Q. Did the clerk say anything after that?—A. He insisted it was checked.
- Q. After the assertion did he make any further statement? Immediately after the warden said it was checked off or the clerk said it, did Kiley leave the booth?—A. No.
- Q. How long before he left?—A. Two or three minutes.
- Q. Did he stay at the doorway all the time?—A. Yes, sir.
- Q. Did you remain in the doorway until Kiley went out?—A. No.
- Q. Did you leave the doorway before he went out?—A. Yes, sir.
- Q. You went out of the booth?—A. Yes, sir; I went out of the booth when the man Stack passed to the box.
- Q. Did Stack come out of the booth?—A. Yes, sir.
- Q. Did he come out before Kiley did?—A. He did.
- Q. Kiley followed him out how quickly?—A. Kiley didn't follow him out; he went out the other door.
- Q. That is, there are two doors to the booth, one through which all persons must enter and the other through which persons may go out?—A. Yes, sir; they have to go out that way if they pass the rail.
- Q. But no one can enter that second door?—A. No.
- Q. So Kiley came out the front doorway at which you were standing?—A. Yes, sir.
- Q. The other man went out the other doorway?—A. Yes, sir.
- Q. Had you heard Kiley say anything to McCarthy or Stack before you heard him make the remark in the booth?—A. I had not.
- Q. Did you hear McCarthy say anything after Kiley left the booth?—A. No, sir; I heard McCarthy call Kiley. He called Dan. That is before Stack and Kiley entered the booth and Kiley went up to where he and Stack were standing.
- Q. How near were you to them at that time?—A. Perhaps 15 feet or 20 feet.
- Q. You could hear nothing that was said?—A. No, sir.
- Q. How long did they remain there?—A. A minute or two at the most.
- Q. Were you watching Stack?—A. No; I had no direct interest in him at the time.
- Q. How did you happen to go to the door of the booth?—A. When he went in I heard the name sung out.
- Q. You could not hear it from the outside?—A. Yes, sir; the window was open.
- Q. The door of the entrance shuts itself?—A. Yes, sir.
- Q. So that when a person enters the booth the door closes immediately behind him?—A. Yes, sir.
- Q. That door was closed at the time Stack went up to it?—A. It was.
- Q. Did you see Stack open the door and go in?—A. I would not swear he opened the door; I saw him go in.
- Q. From the outside before?—A. Yes, sir.
- Q. Did anyone precede him?—A. No, sir.
- Q. Then he entered?—A. Yes, sir.
- Q. And he opened the door?—A. I would not say he opened the door.
- Q. If no one preceded him, he necessarily opened it?—A. If you want to take it, for granted.

- Q. How far away were you when Stack entered?—A. Five or 10 feet.
- Q. Were you watching Stack at the time?—A. Not particularly.
- Q. You had no occasion up to that instant to watch him?—A. No, sir.
- Q. Nothing had occurred to occasion any suspicion on your part?—A. No.
- Q. Were you talking to somebody at the time Stack entered?—A. I was not.
- Q. Where was Kiley when Stack entered?—A. He was right behind him.
- Q. Was there any person between them?—A. No, sir.
- Q. Did any person enter immediately after Kiley?—A. I did not see any.
- Q. How far away were you from that doorway when Kiley passed in after Stack had entered?—A. Within 10 feet.
- Q. Did the door close after Kiley entered?—A. Partly closed.
- Q. Didn't it close?—A. No; it acted as if the door hit somebody going in.
- Q. Who?—A. It probably kept open about a foot.
- Q. How long did you stay 10 feet away after Kiley had disappeared within the door?—A. I didn't stay 10 feet away; I went to the window.
- Q. Why did you go to the window?—A. I was looking to see who was inside.
- Q. Why?—A. I had no particular interest.
- Q. Then why did you go to the window?—A. I went to see what was going on.
- Q. Why did you go to the window that time rather than any other time?—A. I went to the window quite frequently.
- Q. Had you been going to the window frequently from 2.30 to 4 o'clock?—A. Yes, sir.
- Q. And how frequently between 2.30 and 4 o'clock did you go to that window?—A. I don't recollect as to that.
- Q. How frequently do you say?—A. I don't know how frequently.
- Q. Every five minutes?—A. I would not say.
- Q. Every hour?—A. I would not say.
- Q. Or every three hours?—A. I could not possibly go every three hours.
- Q. Then you would not go at all?—A. Not if I went every three hours. I went more than once.
- Q. Will you swear you went twice?—A. I will swear I went three times.
- Q. But no more?—A. I will not swear as to any more. It was not less.
- Q. But you had no reason to go to the window those three times except mere curiosity?—A. Mere curiosity.
- Q. Nothing had occurred to attract your attention to the window?—A. No.
- Q. So after Kiley had gone in and Stack had proceeded in you went, actuated by nothing but curiosity, to the window? The window is at the end of the booth?—A. It is not.
- Q. It is at the side of the booth?—A. There are three or four windows, and it is the one nearest the entrance. It is directly behind the clerk's desk.
- Q. Is the entrance door on the side or the end?—A. It is on the side near the end.
- Q. Where was the window to which you went?—A. Possibly the window sash might be $1\frac{1}{2}$ or 2 feet away from the door.
- Q. And on the same side with the door?—A. Yes, sir.
- Q. And that put you in a position behind the clerk or officers who had charge of the voting booth?—A. Yes, sir.
- Q. And did you remain there?—A. I remained there possibly two or three minutes.
- Q. While you were there at the window, what took place?—A. This man Stack approached the rail and gave the name of Charles A. Donovan, and then I left the window.
- Q. Where did you go to from the window?—A. I went to the door of the booth.
- Q. Was the door at that time closed?—A. My recollection on that is dim. I will not say whether it was closed or ajar.
- Q. As you opened the door you had to pull it somewhat.—A. Yes, sir.
- Q. It opens outward to you?—A. Yes, sir.
- Q. You pulled it to give yourself a chance to get inside?—A. Yes, sir.
- Q. Was there anybody standing inside so it would prevent the door from closing?—A. No, sir.
- Q. Who stood nearest to you inside as you opened that door?—A. Mr. Kiley.
- Q. What distance from you was he standing?—A. Perhaps 3 or 4 feet.
- Q. And when you entered that door you were looking toward the further side of that booth?—A. When I entered I was looking diagonally.
- Q. If you were looking straight ahead, you would be facing the farther side of the booth?—A. Yes, sir.
- Q. And a person who desired to vote would have to walk from the doorway toward that farther side?—A. Yes, sir.
- Q. And then turn around the corner rail and then advance along the side of the booth?—A. Yes, sir.

Q. Outside of the rail?—A. Yes, sir.

Q. Was there sitting in the corner one of these two police officers directly opposite the doorway on the threshold where you stood?—A. Yes, sir; I think, Mr. Clark.

Q. Officer Clark?—A. Yes, sir.

Q. So as you stood on the threshold of the door, if you had looked with your eyes stright ahead you would have seen, right ahead of you in the corner of the room, this officer, Clark?—A. Yes, sir.

Q. Sitting there in a chair?—A. I would have seen him.

Q. That is where he was?—A. Yes, sir.

Q. Now, then, whoever desired to vote would have to go from the door at which you stood toward that officer, turn at a right angle along a rail, go by the officer to get himself in a position to receive a ballot, would not he?—A. He would.

Q. So that this man who desired to vote, Stack, had to go close by the officer?—A. Yes, sir.

Q. When you were at the window and heard Stack call out the name of Donovan, Stack was then directly opposite the clerk who delivers the ballots?—He had passed, by several feet, the officer who was in the corner?—A. He did.

Q. Kiley, when you were at the window and when Stack called out the name of Donovan, was standing where?—A. He was standing beside the rail at right angles to where Stack was.

Q. That is, Kiley had not quite gone by the corner where the officer was?—A. He could not.

Q. And he was between the officer and the doorway?—A. Yes, sir.

Q. Was there any other person while you were at the window between the entrance doorway and the officer than Kiley—any other person than Kiley?—A. I do not get that.

Q. As you stood at the window and saw Stack in front of the clerk's desk, you say that you saw Kiley standing between the entrance door and the corner where the officer was?—A. I did not see Kiley until I got inside; not until I got to the doorway.

Q. When you got to the doorway and opened the door and stood on the threshold, where did you then see Kiley?—A. Directly in front.

Q. Between you and the officer?—A. Yes, sir.

Q. Did Kiley leave that position at all?—A. No; only to crowd closer to the rail.

Q. And the space in which Kiley stood was about 4 feet wide from the rail to the wall?—A. Yes, sir; probably 4 feet.

Q. Was there anybody else when you stepped inside the doorway?—Was there anybody else in that passageway in which Kiley stood?—A. There was.

Q. Other than yourself and Kiley and the officer?—A. Yes, sir.

Q. Who was the other person?—A. There were two or three other persons; I don't recollect who they were.

Q. Were there any other police officers?—A. Not to my knowledge.

Q. Did you know any of them?—A. I don't know whether I did or not.

Q. Young or old men?—A. I would not say as to whether they were young or old.

Q. Did you call their attention, or the attention of anyone, to the fact that this man was known by the name of Stack?—A. No, sir.

Q. Did anyone assert there that he was not Donovan?—A. No, sir.

Q. Nobody told anybody else, as far as you could see, that the fellow was named Stack?—A. No, sir.

Q. So far as you know, you are the only man who knew he was Stack?—A. Apparently.

Q. You disclosed it to nobody there?—A. No, sir.

Q. You had an opportunity to see the police officer afterwards?—A. No, sir.

Q. Didn't you remain about there until the closing of the polls?—A. I did not.

Q. Didn't you remain there until the ballots were counted?—A. I remained there until twenty minutes past 4.

Q. Were not the police officers there?—A. Yes, sir.

Q. Couldn't you speak to them?—A. No, sir; there was a large crowd there.

Q. You could have communicated to the officer sometime, either during the time the proceeding was going on or immediately afterwards, without anybody else hearing you?—A. It occurred to me at that time I should do it, but I didn't see the feasibility of doing it then.

Q. Could you not approach the police officer without anybody knowing what you were approaching for, while the talk was going on?—A. I could have done so.

Q. Can you give any reason for not doing it now?—A. Yes, sir.

Q. What?—A. I didn't see any use in doing so because it had passed over.

Q. It had passed over?—A. Yes, sir.

Q. That is, nothing had taken place that was criminal?—A. That remains to be seen.

Q. You didn't think anything criminal had happened?—A. At that time I didn't think anything had happened.

Q. You have intelligence enough to know that a man who votes illegally is committing a crime and can be arrested by the officer without a warrant?—A. Yes, sir.

Q. You didn't see the man doing anything which you thought at the time was a crime?—A. Yes, sir; I thought while he was doing it it was a crime to go past the rail and attempt to vote.

Q. If you thought that was a crime and you thought he had done that and got by the rail pretending his name was Donovan, why didn't you go and talk with the officer about it quietly?—A. As I said after it happened I thought I should have to stop him while he was in the act then.

Q. Didn't you know that you could tell that to the officer and the officer could arrest him?—A. No, sir; not until afterwards.

Q. Were you raised in Boston?—A. I was.

Q. You went to school in Boston?—A. Yes, sir.

Q. You have got a grammar-school education?—A. Yes, sir.

Q. Did you go to high school?—A. Yes, sir; for two years.

Q. You have been in politics how long?—A. I have never been in politics; I am not in politics now.

Q. Your family are more or less in politics?—A. I don't know that they are in politics.

Q. Your brother is a candidate for office in the Republican caucus?—A. He was a Purity candidate.

Q. He was trying to reform Ward 8?—A. He was.

Q. And you are now trying to reform Ward 8?—A. I do not know as I am.

Q. You are one of the number of persons who have arranged to destroy the reputation of Mr. Kiley, are you not?—A. I am not.

Q. Have you talked over with any person the desirability of ruining Mr. Kiley?—A. Not at all.

Q. Have you heard that talked over in your presence before you came to this court-house?—A. I have.

Q. Have you protested against it?—A. I have not.

Q. You have assented to it by standing still and listening to such propositions?—A. We consider silence an assent sometimes, but an exception also proves the rule. I neither approved nor disapproved.

Q. But you heard the propositions made and were cognizant of them and did not disapprove them?—A. Yes, sir.

Q. After your talk with Mr. Conry, you thoroughly approved of them?—A. Not at all.

Q. Has not the talk with him strengthened your approval?—A. Not at all.

Q. When did you join the Hendricks Club?—A. April, I think.

Q. April, when?—A. It was just after April, 1901, I think. Sometime in April, 1901, I am quite sure.

Q. Did you attend the meetings there?—A. I have attended a couple of them.

Q. How many members in the club?—A. I don't know. I have no idea when I was there. They never told us.

Q. You made a written application for membership?—A. I did not.

Q. You paid dues?—A. I did.

Q. When did you stop paying your dues?—A. I think I stopped paying last March.

Q. That was the time you found out that Mr. Kiley and Mr. Lomasney and some other of the members had prevented you getting a position on the police department?—A. No; I did not find that out in September.

Q. As soon as you failed to get on the police department you stopped paying your dues at the Hendricks Club?—A. Not necessarily. That was a coincidence.

Q. When you were a member of the Hendricks Club were you thoroughly straight politically?—A. I was.

Q. And you continued to be straight politically while you remained a member?—A. I did.

Q. You have changed since you left the Hendricks Club?—A. Yes, sir.

Q. You were sound politically when you entered, and you have changed since?—A. Yes, sir.

Q. When did you become unsound politically?—A. I was never unsound politically.

Q. When did you join the Conry forces?—A. I do not know as I ever joined them or not.

Q. You told me before recess you were advocating his election and soliciting votes.—A. When the competition came up I thought he should get it.

Q. Were you at the convention which didn't nominate him?—A. I was not.

Q. You merely mean to say he was entitled to election?—A. And I supported him for such.

Q. Didn't you know he had pledged himself to support Mr. Keliher if he had one term in Congress?—A. No; only through the papers.

Q. You knew Mr. Conry never denied it?—A. No; because some days I slipped the papers.

Q. If he made such a promise as that, and didn't deny it, you would not have supported him?—A. I would have supported him just the same.

Q. Even though he did pledge himself and then broke his pledge?—A. Yes, sir.

Q. That shows you are unsound politically.—A. Not at all.

Q. Then you believed in supporting a man, without any inducement at all, who had broken his pledge?—A. It was a choice of men and I thought he was the best of the two.

Q. You did not know him personally?—A. No; I did not know Mr. Keliher personally.

Q. And no friends had solicited your support?—A. No, sir.

Q. And you are so interested in it now that you volunteered to come to court to testify for him?—A. Yes, sir.

Q. You intend to do, so far as you can, anything that lies in your power to bring about putting him in a seat in Congress?—A. Yes, sir; so far as I can truthfully and honestly.

Q. You look at the matter politically?—A. No; as a matter of honor.

Q. Did you have a desire to punish Mr. Stack?—A. No.

Q. You do not approve of those who commit crimes to be punished?—A. I do.

Q. Why did not you take some means to punish him?—A. I think there are enough district attorneys about here to do that.

Q. You think District Attorney Stevens ought to do that?—A. Yes, sir.

Q. He is a Democrat, isn't he?—A. They tell me he is.

Q. How many meetings did you attend during the year and a half you were a member?—A. Perhaps two or three.

Q. Were these political rallies?—A. A couple of them were. A couple of mid-night sessions.

Q. This Hendricks Club consisted of how many rooms?—A. They have a large room.

Q. Would you call it a hall?—A. Yes, sir.

Q. Probably 60 feet by 40 feet?—A. I never had time to measure it.

Q. I want to get some idea of it.—A. It consisted of a hall and Mr. Lomasney's private office, and a committee room on the other end, and a kind of a small room back where they kept their waste paper and coal and stuff, and then there is a toilet off that.

Q. That is the headquarters of the Democrats of Ward 8?—A. So they tell me.

Q. So then the Democratic ward committee make their headquarters in these rooms?—A. I have never seen them in session.

Q. You are not a member of the ward committee?—A. No, sir.

Q. You would not be apt to be there with them in the room when they were in session?—A. No.

Q. Were you a voter in that ward at the time Mr. Conry was a candidate two years ago, when he was first a candidate?—A. No; I think I voted at the city election that year and not at the State. He had my moral support then.

Q. I suppose that was of great assistance to him?—A. I hope it was.

Q. Now, see if I have got it right. The only things you heard Kiley say were two sentences he uttered while in the booth; one of them that "You have just crossed it off," and the other a question, "Is that crossed off?"—A. Yes, sir.

Q. And the only other thing you heard said was "Dan," uttered by McCarthy before Stack and Kiley went into the booth?—A. Yes, sir.

Q. You heard no other talk to Kiley before or afterwards?—A. No.

Q. You heard no talk had with Kiley by any other person either before or afterwards?—A. No; only when speaking to people as they went in and told them not to forget the regular candidates and their reply, "It is all right."

Q. I suppose the regular candidates were Mr. Conry as well as Mr. Keliher?—A. He did not include those.

Q. I ask you if you did not consider Conry a regular candidate as well as Keliher?—A. I did.

Q. And the men he spoke to, they said they would remember?—A. Those are the ones he knew personally.

Q. But you do not know who they considered regular candidates?—A. No; but I could make a pretty good guess at it.

Q. You do not think anybody could guess which side you were on?—A. No.

Q. Didn't you tell me you were soliciting Conry votes?—A. Yes, sir.

Q. Could not anybody who heard you solicit tell who you were for?—A. They also elected a governor that day.

Q. Were you soliciting votes for a governor?—A. No.

Q. Were you soliciting votes for any candidate other than Mr. Conry?—A. I was not.

Q. So all the solicitation you did for votes that afternoon was solicitation for votes for Mr. Conry?—A. It was.

Q. Do you mean to tell me after saying that to me that nobody could tell who you were supporting?—A. They could tell as far as the Congressional candidate was concerned.

Q. Did you see Mr. Morse there that afternoon?—A. I did not.

Q. And so far as you are able to say he was not there?—A. He may have been there.

Q. So far as you are able to say he was not there?—A. So far as I am able to say he was not there.

Q. Were there any other Conry men soliciting votes than yourself there?—A. If there were they were under cover. I saw them not.

Q. You saw them not? I suppose you have many other peculiarities which we have not discovered?—A. I have not got a great many left after this.

Q. After Kiley left the booth where did Kiley go?—A. He went to the other end of the booth on the outside. I stood where I was on the outside near the entrance.

Q. You stood where you were?—A. Yes, sir. I came out and had to stand where I was.

Q. Stepped out of the doorway through which you had entered and you stood there so that Mr. Kiley coming out had to pass close to you?—A. Not necessarily close.

Q. How far away from the doorway did you go altogether?—A. Seven or 10 feet.

Q. Were there other persons about where you were?—A. Yes, sir.

Q. They were scattered about on all sides?—A. Scattered along in a line.

Q. Did you speak to anybody there?—A. I did not.

Q. Were there persons coming toward the booth at that time for the purpose of going in?—A. No.

Q. How long did you stand there?—A. A moment or two.

Q. Then where did you go?—A. I went to the other end of the booth on the outside.

Q. Were you watching then anybody?—A. I was watching Mr. Kiley and Mr. Stack and Mr. McCarthy, but they went to the rear of the booth and I did not.

Q. That is all you saw of them?—A. Yes, sir; until Mr. Stack went up the street with some friend.

Q. Who was the friend?—A. I do not know anything about that.

Q. What do you call him a friend for?—A. I suppose he was a friend when he went up the street.

Q. You saw him going up the street with some man?—A. Yes, sir.

Q. That is the last you saw of Stack?—A. Yes, sir. Just before he started up the street somebody said, "You had better get up town now."

Q. Who was it said it?—A. I would not swear who said it.

Q. Who was it said to? You do not know, do you?—A. Nobody moved up town but Stack.

Q. Somebody else moved up town besides Stack?—A. He and his friend.

Q. The man who went along with him went up town?—A. Yes, sir.

Q. You do not know who made the remark?—A. No.

Q. And you do not know whether it was made to Stack or the other man?—A. No.

Q. You didn't make it?—A. No.

Q. And there was nothing else said at that time?—A. No.

Q. Didn't you testify in direct examination about another precinct?—A. No; all I said about another precinct was, I voted in precinct 6.

Q. I mean in your direct examination did you say anything else as having heard anything uttered by any one of these men than the things you have told me since recess?—A. Not that I am aware of.

Q. Not that you remember?—A. No.

Redirect examination by Mr. MALLEY:

Q. You said in cross-examination, in answer to Mr. Moran's question as to whether or not you saw a man named Morse there, that you did see a man named Morse there; which Morse did you refer to?—A. Mr. Charles H. Morse. He was a man

that lived in the West End all his life and around all the time. I think he is a Socialist by trade. He has no strict party lines.

Q. Reference was made by Mr. Moran in one of his questions to a man he called Witness Morse. Do you know who he referred to as Witness Morse?—A. I did.

Q. Who was it?—A. He is a young fellow who has lived in the West End probably all his life; a fellow most everybody knew.

Q. Whether or not you knew he was a man who testified here?—A. I didn't know until Mr. Moran brought it up.

Q. Do you know whether or not it was the witness other than what Mr. Moran's question would seem to imply?—A. I know who he means now.

Q. Do you understand he refers to this Charles H. Morse as being the witness here?—A. I do not.

Q. That is not the Morse which you say you knew or saw at that time?—A. I didn't see the witness Morse.

Q. This Richard Stack—had you been an intimate friend of Stack's?—A. Outside of one evening—I think it was the night before the Fourth of July—about eight years ago was the only time I ever went around where he was in a crowd of fellows, ten or fifteen of us, and he went around the night before the Fourth.

Q. You merely knew him as being around the ward?—A. That is all.

Cross-examination by Mr. MORAN:

Q. Mr. Malley and I agree that the witness Morse's name is George H. Morse. Now, I understand you to say that you did not see George H. Morse, who was the witness in this case some days ago, at that booth or in the vicinity at all that day while you were there?—A. No; I did not see him.

Q. But you have known George H. Morse by sight for years?—A. Yes, sir.

By Mr. MALLEY:

Q. When you saw Stack going in by the rail, after speaking to the clerk or after the colloquy took place between the parties and the clerk, did you see Stack get any sort of paper?—A. I would not swear to that.

THOMAS BURNS, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Thomas Burns, 48 Nashua street, watchmaker.

Q. How long have you lived there?—A. Three and one-half years.

Q. Are you married?—A. Single.

Q. Do you continue to live there?—A. Yes, sir.

Q. At any time during the last three and one-half years did you live anywhere else?—A. I lived in Cambridge for a couple of months.

Q. When was that?—A. That was over two years ago, and I came back again.

(Subpoena of Casey marked Exhibit 127, H. P. N. Subpoena of Daniel J. Finn marked Exhibit 128, H. P. N.)

JOHN GARRITY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence and occupation.—A. John Garrity; 48 Nashua street, Boston; 44 years old.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. In 1874.

Q. When were you naturalized and where?—A. In the town of Blackstone in 1883, and I was naturalized in Boston and lived in Blackstone at the time.

Q. How old are you?—A. Forty-four.

Q. Are you married?—A. No, sir.

Q. Ever been married?—A. No, sir.

Q. How long have you lived at 48 Nassau street?—A. About a year last fall.

Q. Where did you live before that?—A. 16 Causeway street.

Q. And how long had you lived at 16 Causeway street?—A. I could not exactly say. About a year.

Q. Where did you live before that?—A. Charlestown.

Q. What street and number?—A. One or 2 Chambers street.

Q. With whom?—A. Mrs. McGinnis, who runs a boarding house there.

Q. Where do you work?—A. For the Metropolitan Coal Company, on Causeway street.

Q. Driver?—A. Yes, sir.

Q. What room do you occupy at 48 Nashua street?—A. There is no number on the room; it is on the third floor, the front room.

Q. Do you occupy it alone?—A. No, sir.

Q. Who rooms with you?—A. Mr. Burns.

Q. The 1st of May, 1902, who roomed with you?—A. Mr. Burns roomed with me then.

Q. Did you give your name to the assessors as a resident there?—A. No, sir; I did not give it to anybody as I know of.

Q. You never had been assessed there before last year, had you?—A. No; not to my knowledge. They came there and got my name.

Q. You have authorized nobody to give your name to the assessors?—A. Not to my knowledge.

Cross-examination by Mr. MALLEY:

Q. You had been assessed the other places you lived?—A. I voted at 16 Causeway street before I came to 48 Nashua street.

Q. And you expected that your name would be carried from one place to the other?—A. I expected it would be transferred because I voted from 48 Nashua street.

Q. You had voted from 16 Causeway street?—A. Yes, sir.

Q. You went from there to Nashua street?—A. Yes, sir.

Q. You expected your name to be transferred from one to the other?—A. Yes, sir; I am pretty sure it was.

Q. I suppose it was registered as a voter?—A. Yes, sir.

Q. Your home was at 48 Nashua street?—A. Yes, sir; I lived there. I pay for my board there, and I was there this evening to supper.

Redirect examination by Mr. MALLEY:

Q. Previous to 1902, did you ever vote from 48 Nashua street before?—A. Not to my knowledge.

Q. Do you know Frank Hawkins?—A. I have known him.

Q. Where did you know him?—A. 48 Nashua street.

Q. What room did he occupy?—A. One of the top rooms.

Q. Does he live there to-day?—A. Not to my knowledge.

Q. When did he live there?—A. I could not say; I don't know.

Q. What is your idea; what is your recollection of that?—A. I don't remember small things like that.

By Mr. MORAN:

Q. Is that a boarding house?—A. Yes, sir; it is a regular boarding house, they are coming and going all the time.

(Subpoena of Hawkins marked Exhibit 129, H. P. N.)

JOHN J. HAYES, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. John J. Hayes; 18 Worcester street; inspector for the city of Boston; 51 years old.

Q. Are you married?—A. Single.

Q. May 1, 1902, where did you live?—A. 48 Nashua street.

Q. In what department of the city are you inspector?—A. Paying.

Q. You were appointed under the Hart administration?—A. I was.

Q. At the recommendation of Mr. Lomasney?—A. No, sir; at the recommendation of the civil service rating.

Q. Did you pass an examination for that?—A. Yes, sir.

Q. When?—A. Three and one-half years ago.

Q. Previous to that what did you do?—A. Previous to that I had been suspended by Josiah Quincy. I was a messenger.

Q. Where were you messenger?—A. In the paying department.

Q. Previous to that where had you been?—A. Previous to that I had been driving a team.

Q. You were appointed inspector of the paying division; who sent for you?—A. Superintendent of Streets Wheeler.

Q. Did you have any letter from Mr. Lomasney?—A. No, sir.

Q. Are you a member of the Hendricks Club?—A. I am.

TIMOTHY HAYES, sworn.

By Mr. MALLEY:

Q. What is your name, age, occupation, and residence?—A. Timothy Hayes; 48 Nashua street; 37; slate and soapstone work.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. May 3, 1885.

Q. Where were you naturalized?—A. In Boston, but I forget the date.

Q. Are you a brother to the last witness?—A. No, sir.

Q. Any relative?—A. No, sir.

Q. For whom do you work in the slate and soapstone business?—A. T. H. Butler & Co.

Q. Are you working at present?—A. Yes, sir.

Q. How long have you been there?—A. Since July, 1885.

Q. How long have you lived at 48 Nashua street?—A. Since then, sir.

(Subpoena of John Hicks, marked Exhibit 130, H. P. N. Subpoena of John F. Leonard, marked Exhibit 131, H. P. N. Subpoena of James F. Leonard, marked Exhibit 132, H. P. N.)

DENNIS T. MANNING, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Dennis T. Manning; 48 Nashua street.

Q. Where were you born?—A. Ireland.

Q. How old are you?—A. 35.

Q. When did you come to America?—A. 1886.

Q. Where were you naturalized and when?—A. In Boston in 1886.

Q. You came to America in 1886 and got naturalized in 1886?—A. I was naturalized in 1896.

Q. How old were you when you got naturalized?—A. I was naturalized when I was 35, and I am six years naturalized.

Q. Who are your witnesses to your naturalization?—A. One is dead and I do not know where the other is now.

Q. What is the name of the dead one?—A. George Brown.

Q. Where did he live?—A. 16 Hudson street.

Q. Who is the other one?—A. Sweeney.

Q. Where does he live?—A. I do not know. He lived at that time at 16 Hudson street.

Q. Where did you live May 1, 1902?—A. 48 Nashua street.

Q. How long have you lived there?—A. Three years next May.

Q. Which room do you occupy?—A. The rear room on the lower floor.

Q. Who roomed with you?—A. A man by the name of Dolan. I do not know where he is now.

Q. Who rooms with you now?—A. A man by the name of Crowley.

Q. Whom do you work for?—A. The Boston and Maine Railroad.

JOHN MURPHY, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. John Murphy; 48 Nashua street; 30 years of age; work for the Boston and Maine Railroad.

Q. How long have you lived at 48 Nashua street?—A. Eleven years.

Q. Where were you born?—A. Ireland.

Q. Where were you naturalized and when?—A. In Boston.

Q. In the Federal Building?—A. At the post-office.

Q. Who are your witnesses?—A. John Hayes and William Murphy.

(Subpoena of John O'Rourke marked Exhibit 133, H. P. N.)

JOHN F. REAGAN, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. John F. Reagan; 48 Nashua street; horseshoer.

Q. Where were you born?—A. Ireland.

Q. Are you married?—A. Yes, sir.

Q. When did you come to America?—A. April, 1895.

Q. How old are you?—A. Twenty-five.

Q. When were you naturalized?—A. 1900.

Q. Who are your witnesses?—A. John J. Hayes and Patrick Shea.

Q. Where did Hayes live at that time?—A. 48 Nashua street.

Q. Where did Shea live?—A. 45 Nashua street.

Q. How old were you when you were naturalized?—A. Twenty-two.

Q. Where did you first go when you came to Boston?—A. 48 Nashua street.

Q. Live there six years?—A. Eight years.

Q. For whom do you work?—A. At 200 A street, South Boston, for O'Neil & Murphy.

Cross-examination by Mr. MORAN:

Q. You do not know any reason why the Irish should get naturalized, do you?—
A. No, sir.

CORNELIUS J. REARDON, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Cornelius J. Reardon; 48 Nashua street; 28 years old; laborer.

Q. For whom do you work?—A. Boston and Maine Railroad.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. 1895.

Q. When were you naturalized?—A. 1901; September.

Q. Who are your witnesses?—A. Mr. Hayes and Mr. Frechall.

Q. Where did you first meet Mr. Hayes?—A. 48 Nashua street; about four years ago.

Q. You first met him in 1899?—A. I did not say 1899.

Q. Four years back from this year?—A. Yes, sir.

Q. When did you first meet Mr. Frechall?—A. Four years ago.

Q. He is another inspector of the city of Boston?—A. I don't know, sir.

Q. Don't you know he works for the city?—A. Yes, sir.

Q. Are you a member of the Hendricks Club?—A. No.

Q. When you were naturalized in 1901, these men had known you two years?—
A. Longer than that. In and around there, I should say.

Q. How well had you known them?—A. I had known them to speak to.

Q. When did you first go to live at 48 Nashua street?—A. 1900.

Q. Where did you live before that?—A. 36 Staniford street.

Q. How long did you live there?—A. For three months.

Q. Where did you live before that?—A. 38 Bakeman street.

Q. How long have you been working for the Boston and Maine Railroad?—A. Seven years, I think, in June.

Q. How old were you when you were naturalized?—A. Twenty-six years; about 25 or 26 years.

Q. Which is it; don't you know?—A. I don't know exactly.

Q. How old were you when you came to this country?—A. Nineteen years or so.

Q. Did you get out your first papers?—A. Yes, sir; the first year I came here.

Q. And the first year you came here you got out your first papers?—A. Yes, sir.

Q. And you got out your last papers in 1901?—A. Yes, sir.

TIMOTHY SULLIVAN, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Timothy Sullivan; 48 Nashua street; laborer; 39.

Q. Where were you born?—A. Ireland.

Q. Who do you work for?—A. The city of Boston.

Q. How long have you been working there?—A. Twenty years.

Q. And when did you come to America?—A. 1880.

Q. How long have you lived at 48 Nashua street?—A. Somewhere around four years, and perhaps going on five.

Q. You have been working for the city of Boston how long?—A. Twenty years next June.

Cross-examination by Mr. MORAN:

Q. You started early working for the city?—A. I did.

Q. You have had good luck in keeping your job?—A. Yes, sir.

(Subpena of Charles E. Quinn, marked Exhibit 134, H. P. N.; subpena of Frank H. Quinn, marked Exhibit 135, H. P. N.; subpena of Michael J. A. Welch, marked Exhibit 136, H. P. N.; subpena of George H. Berg, marked Exhibit 137, H. P. N.; subpena of Francis Quinn, marked Exhibit 138, H. P. N.)

MICHAEL J. STANFORD, sworn.

By Mr. MALLEY:

Q. What is your name, age, residence, and occupation?—A. Michael F. Stanford; 50 years old; 13 Billerica street.

Q. How long have you lived there?—A. Three or four years.

Q. Did you ever live at 10 Decatur street, Charlestown?—A. No, sir.

Q. What is your business?—A. I work for the city.

Q. How long have you been working for them?—A. I went in under Mayor Hart.

Q. Are you a Republican or Democrat in politics?—A. I don't know, sir; I am not going to tell; I know, but I am not going to tell.

Q. Are you ashamed of your politics?—A. No; I am not going to tell what I am.

Q. Are you married or single?—A. Married.

Q. Does your wife live with you at 13 Billerica street?—A. Yes, sir.

Q. Do you occupy the whole house?—A. No, sir.

Q. You have been working five years for the city; what department?—A. Street.

Q. Did you ever live in Charlestown?—A. Yes, sir; I did.

Q. When?—A. It might be eighteen or nineteen years ago.

Q. Where were you born?—A. Ireland.

Q. When were you naturalized?—A. I think in 1893.

Q. Who were your witnesses?—A. A man by the name of Cannon and a man by the name of Sullivan.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 109 pages, is a true and correct record of the testimony and the proceedings in the contested election case of Joseph A. Conry against John A. Keliher, before me on March 14, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein referred to.

JOSEPH H. BARNES, JR.,

Special Justice of East Boston District Court.

NOTICE TO TAKE DEPOSITIONS.

MARCH 12, 1903.

JOHN A. KELIHER, Esq., or his attorneys:

You are hereby notified that I intend to take the testimony of the witnesses whose names and residences are given in the appended list on Monday, the 16th day of March, A. D. 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon of said day, before Joseph H. Barnes, jr., a special justice of the East Boston district court, at the court room of the East Boston district court, Meridian street, in East Boston; and if the taking of said deposition is not concluded on the said date the further taking of such deposition will be continued from day to day at the same hour and place until fully concluded.

Harry Brown, 12 Blossom street; Thomas F. Feeney, 45A Green street; Michael W. Davey, Dominick Hart, Patrick Henry, Patrick J. Reagan, Michael J. Winn, Patrick Higgins, 58 Auburn street; George R. Dean, Daniel McEachern, Timothy W. Crowley, 49 Auburn street, Boston.

JOSEPH A. CONRY.

By his attorney, CHARLES F. M. MALLEY.

BOSTON, *March 12, 1903.*

SUFFOLK, *ss:*

By virtue hereof I this day made diligent search for the within-named John A. Keliher, but could not find him within my precinct, and afterwards, on the same day, at 2 o'clock and 20 minutes p. m., I notified the within-named John A. Keliher of the within hearing by giving in hand to Francis A. Campbell, his attorney, a duplicate original copy of the within notice.

JOHN J. CONROY,

Constable of the City of Boston.

BOSTON, *March 9, 1903.*

JOSEPH H. BARNES, JR.,

Special Justice of the East Boston District Court.

On behalf of Joseph A. Conry, contestant in a contested election case against John A. Kelihier, returned member from the Ninth Massachusetts Congressional district, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court, on Meridian street, in East Boston, within said district, to the following-named witnesses, whose names and addresses are here-with submitted, for attendance March 16, 1903: George R. Dean, Daniel McEachern, Timothy W. Crowley, 49 Auburn street, Ward 8, Boston, Mass.; Michael W. Davey, Dominick Harte, Patrick Henry, Patrick J. Reagan, Michael J. Winn, Thomas B. Winn, Patrick Higgins, 58 Auburn street, Ward 8, Boston, Mass.; Harry Brown, 12 Blossom street, Ward 8, Boston, Mass.; Thomas F. Feeney, 45A Green street, Ward 8, Boston, Mass.

JOSEPH A. CONRY.

By his attorney, CHARLES F. M. MALLEY,

FRANCIS F. HARRINGTON.

EIGHTH DAY.

EAST BOSTON, *Monday, March 16, 1903.*

MR. MALLEY. May it please the court, in continuing the hearing I have to ask the court to produce the subpoenas for George R. Dean and Daniel R. Regan.

(Subpoenas produced and marked Exhibit 139, J. H. B., and 140, J. H. B.)

I have the notice served on counsel for John A. Kelihier of the intention to take the testimony of the witnesses named therein. (Ex. 141, J. H. B.)

Will the witnesses whose names are called answer by saying "Here," and standing in line for the purpose of being sworn? John R. Dean, 49 Auburn street; Daniel McEachern, 49 Auburn street; Timothy W. Crowley, Michael W. Davey, 58 Auburn street; Dominick Hart, 58 Auburn street; Patrick Henry, Patrick J. Regan, Michael J. Winn, James B. Winn, Patrick Higgins, Julian Kelly.

(The witnesses were all sworn by Judge Barnes.)

GEORGE R. DEAN, sworn.

By MR. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. George R. Dean 49 Auburn street, Boston; law student.

Q. Where are you a law student?—A. Boston University.

Q. Do you work for the city of Boston?—A. No, sir.

Q. Did you ever work for the city of Boston?—A. Yes, sir.

Q. When?—A. Oh, last week.

Q. What department?—A. Sanitary department.

Q. What was your designation?—A. Checker.

Q. In what yard?—A. Down at the scow.

Q. How long had you been employed by the city of Boston previous to last week?—A. About two months and a half.

Q. And when did you leave the employ of the city of Boston?—A. Last week.

Q. What time?—A. I don't know.

Q. Well, was it the first or the last of the week?—A. About the middle.

Q. Did you receive a summons to appear here?—A. Yes, sir.

Q. When did you receive it?—A. I don't know—that is, I don't know when it was left at my house.

Q. You received it after March 10, 1903, didn't you?—A. Some time after then.

Q. Some time? When did you receive it?—A. I don't know what day it was.

Q. Some time later than Tuesday night?—A. Yes, sir.

Q. Now, when did you leave the employ of the city of Boston? Was it upon receiving the summons?—A. No, sir.

Q. How long previous to receiving the summons did you leave the employ of the city?—A. Well, a couple of days after, I guess.

Q. That is to say, Thursday?—A. Yes.

Q. And were you discharged?—A. Yes, sir.

Q. You were not suspended?—A. Not that I know of.

Q. Who discharged you?—A. The foreman.

Q. What is his name?—A. Hernan.

Q. Is his name Martin A. Hernan?—A. Yes, sir.

Q. That is the witness who testified here, is it not?—A. Yes, sir,

Q. Was there any understanding that you should go back to work after this trial?—
A. Not that I know of.

Q. When did you become a law student?—A. About two years and a half ago.

Q. In whose office?—A. Robert H. O. Shultz.

Q. What were the hours of your work for the city of Boston during the day?—A.
In the morning

Q. From what hour to what hour?—A. About 7 to 12 o'clock.

Q. When did you report to the office of Robt. H. O. Shultz?—A. Whenever I had
the time to spare.

Q. That is, you were not regularly engaged, but went there at your pleasure?—A.
Yes, sir.

Q. What did you do in Mr. Shultz's office to advance your education as a law-
yer?—A. Read law books.

Q. About how much time of each day?—A. Whenever I had the opportunity.

Q. Did you attend a law school?—A. Yes, sir.

Q. What law school?—A. Boston University.

Q. At what hours did you attend there?—A. Different hours.

Q. From what hour to what hour? What was the earliest and latest hour?—A.
About 12 to 5.

Q. And your latest hour of going?—A. About 3 o'clock.

Q. Where was Mr. Shultz's office when you first went into his office two and a
half years ago?—A. I did not go into his office then.

Q. Whose office did you go into as law student two and a half years ago?—A. No
one's.

Q. Whose was the first office you went into as a law student?—A. Mr. Shultz's.

Q. When was the date?—A. I could not say the exact date.

Q. About when?—A. I went in and out of there. I never worked there perma-
nently.

Q. Never received wages?—A. In some sorts of ways I did.

Q. When he sent you out to look after witnesses he paid you something?—A.
Something; yes sir.

Q. What wages did you receive in Shultz's office—how much?—A. I never figured
it up. I don't know as I could tell.

Q. What is your estimate?—A. I never received very much.

Q. How much all told would you say you had received from Mr. Shultz in your
capacity as law student?—A. Well, I don't know as I could say any way at all.

Q. Do you remember having received anything from him?—A. Yes; I received
something.

Q. When?—A. I don't remember when.

Q. How much was it you received at different times?—A. Different sums.

Q. How much at any one time?—A. I don't know.

Q. What was it you received it for?—A. Going errands for him.

Q. Do you remember any particular errand you went for him?—A. No, sir.

Q. Do you remember any errand you have done for him?—A. I do.

Q. What was that?—A. Going up to the probate court different times.

Q. How much pay did you receive for that?—A. I can't say as I received any
particular pay. My chief pay was the privilege of studying books from his library.

Q. How much pay did you receive from the city of Boston in your capacity as
checker?—A. Two dollars a day.

Q. By whom were you appointed?—A. By Sullivan, I suppose.

Q. Superintendent of the sanitary division?—A. Yes, sir.

Q. At whose request?—A. My request.

Q. Did you know him before?—A. I did not.

Q. You walked up there and asked him for the job?—A. No, sir; I did not walk
up there.

Q. Did you go up there through a friend?—A. Yes, sir.

Q. What friend did you go up there through? What was his name?—A. I don't
know his name now.

Q. How long had you known him as a friend?—A. Four or five years.

Q. What was the last time you saw him?—A. I have not seen him now from the
day I was introduced to him.

Q. That is, you had a friend for four or five years who got you a job in the office
of the superintendent of the sanitary division, of which he was an employee; you
have known him for four or five years, and you can not recall his name now?—A.
No, sir.

Q. You are not very grateful to him, are you?—A. I don't know what I ought to do.

Q. That is, if you wanted to do him a favor as a little expression of gratitude for getting you the job, you would not remember his name?—A. I don't remember the question as you put it.

Q. If you wished to express your thankfulness to him for having appointed you to this job, you would not know what his name was or how to address him?—A. Well, I might.

Q. What is his first name?—A. I don't know as I could remember his whole name.

Q. What is his first name?—A. I don't remember.

Q. What is his last name?—A. I don't remember.

Q. What is his middle name?—A. I don't remember.

Q. Where does he live?—A. He lives out of town somewhere.

Q. Out of Boston?—A. No, sir; but out in the suburbs.

Q. What suburbs—Dorchester or what?—A. Out there somewhere, just out of Roxbury; I don't know just where—Dorchester or Roxbury.

Q. You don't know the name of the street?—A. No.

Q. Or any more particular location as his residence?—A. No, sir.

Q. Did you get a letter from any statesman or politician with reference to getting employment in the sanitary division?—A. No, sir.

Q. Get any letter from any public man?—A. No, sir.

Q. From any publicist?—A. No.

Q. Did you have a rating on the civil service?—A. No, sir.

Q. Never took an examination for employment under the civil service?—A. No, sir.

Q. When you got the summons to come here did you communicate that fact to the foreman?—A. No, sir.

Q. Or to anybody?—A. No, sir.

Q. Do you know of any reason why you should be discharged a day or two after you got the summons to come here as a witness?—A. No, sir; it is not my fault that I was discharged.

Q. You have been doing your work all right?—A. Yes, sir.

Q. That is a coincidence, that a day or two after you got the summons, within a day or two, you were discharged?—A. I don't know what you would call it.

Q. That is, you have not worked for the city of Boston since last Thursday?—A. No, sir.

Q. You have no expectation of pay for later than last Thursday?—A. No, sir.

Q. You have no anticipation or promise that you will work later for the city of Boston?—A. No, sir.

Q. Are you married?—A. No, sir.

Q. Where were you born?—A. In Charlestown.

Q. How old are you?—A. Twenty-five.

Q. What month and what year were you born in?—A. December 3.

Q. Previous to two and a half months ago had you ever worked for the city of Boston?—A. No, sir.

Q. Other than being a law student for two and a half years what employment had you?—A. Worked in a grocery store for Mrs. K. E. Fardy, a lady at 42 Auburn street.

Q. That is within two or three numbers of where you live?—A. Yes, sir.

Q. Working there as a grocery clerk?—A. Yes, sir.

Q. How long had you worked for her?—A. I don't know; about ten years, I guess.

Q. You did not go back to that employment after last week?—A. I was off and on.

Q. Where are you at present employed, if anywhere?—A. Nowhere at present. I drop into the grocery store; it is run by my sister.

Q. She is your sister?—A. Yes, sir.

Q. You have been associated with her in the store for ten years?—A. Yes, sir.

Q. And having the interest which you have as a relative, you drop in from time to time?—A. Yes, sir.

Q. Other than that you are not employed there?—A. No, sir.

Q. How long have you lived at 48 Auburn street?—A. About eight years.

Q. You live with your father and mother?—A. My mother.

Q. Does your sister live there? Is she married?—A. She is a widow.

Q. Did you ever have anything to do with the assessing of people from 49 Auburn street?—A. Not that I can remember.

Q. Have you been at all interested in the assessing of voters last year in Ward 8?—A. Very little.

Q. How much have you had to do with it?—A. Well, I don't know as I can recall any specific occasion.

Q. Have you not been doing special work in the assessing of voters?—A. No, sir.

Q. For the regular Democratic organization in Ward 8?—A. No, sir.

Q. Have you assisted Mr. Levin in the naturalization of voters?—A. No, sir.

Q. Anywhere?—A. No, sir.

Q. Have you gone as a witness to the United States courts?—A. No, sir.

Q. You have not appeared as a witness in the last year and a half?—A. I appeared one time for a fellow to get assessed.

Q. What was his name?—A. I don't recall it.

Q. How long had you known him?—A. I have known him all my life, I guess.

Q. What is his first name?—A. I don't know on the spur of the moment; you have caught me. I remember going up to city hall one night.

Q. What is his last name?—A. I don't know as I could recall it.

Q. Where did he live?—A. I don't remember; I just remember the occasion of going to city hall.

Q. Where was he assessed from?—A. I don't remember.

Q. You swore you knew where he lived May 1.—A. I did; I suppose I could swear again if I saw the fellow in front of me.

Q. When did you go up to have him assessed?—A. I went up one night.

Q. In what month?—A. I don't know; just at the close of registration.

Q. What sort of a looking man was he?—A. If I could remember what kind of looking fellow he was, I suppose I would remember his name.

Q. You don't remember whether he was tall or short, light complexioned or dark, or whether he had a black coat and side whiskers or smooth face; you don't remember, do you?—A. No; I told you if I could remember any of these questions I could tell who the fellow was.

Q. That is the only one you can remember being sworn in the assessment of?—A. That is the only one I can remember.

Q. You did not have anything to do with the assessment of Patrick J. Anglin, did you?—A. Yes, sir; I think he is the man.

Q. Where did he live?—A. At 15 Bowdoin street.

Q. How long had you known Patrick J. Anglin when you got him assessed?—A. Had known him for four or five years, I guess.

Q. Where did you first meet him?—A. I met him about the city.

Q. Where does he live now?—A. At 49 Auburn street.

Q. That is your house, is it not?—A. Yes, sir.

Q. When did he move down to your house?—A. I can't state when.

Q. About when?—A. I don't know as I could state accurately.

Q. One month ago or six months ago?—A. Quite a while.

Q. What do you call "quite a while"?—A. Five or six months.

Q. Is he a boarder there?—A. Yes.

Q. He works in the sanitary division, does he not?—A. I don't know.

Q. He works for the city of Boston?—A. He works somewhere; I never bothered to ask him where he did work; I met him very little.

Q. You mean to say that you have been working for the city of Boston three and a half weeks, and you live at 15 Bowdoin street, and you don't know where he works?—A. Well, I told you I had a slight idea that he was working for the city, but I don't know what department, only it is hearsay. I read it in the paper that he said he was a breaker of horses, or something like that.

Q. You read it in the paper after he testified here?—A. Yes.

Q. You don't know that he brought horses round to his domicile to break?—A. I don't know what his duty is.

Q. Ever see him break anything in the last four or five years?—A. Yes; I suppose he has broke something.

Q. What did he break?—A. I don't know.

Q. The law?—A. Not that I know of; he is a good, peaceable citizen.

Q. You have not seen him since he testified here, have you?—A. Oh, yes.

Q. Didn't talk with him anything about this case?—A. Well, I don't know as I had any particular talk.

Q. After you heard he was working for the city of Boston, the same municipality with you, it never occurred to you to say "What department are you in, neighbor or brother?"—A. I don't know that I ever asked him that.

Q. You did not know at all that he was working for the city of Boston? You did not know it before?—A. Yes; I knew he worked one other time.

Q. You did know that Patrick J. Anglin lived at 15 Bowdoin street when he swore to it?—A. Well, I have seen him going in there, and I have been up to his room.

Q. Frequently?—A. Not frequently; once in a while I would meet him.

Q. You would go up to his room and have a cigar with him?—A. Whatever was on tap; yes.

Q. Whatever was on tap? Where was he working at that time?—A. I don't know.

Q. When you knew him four or five years ago he was not living at 15 Bowdoin street, was he?—A. No, sir.

Q. He was not at 49 Auburn street, but living in Cambridge?—A. Yes, sir.

Q. And when you swore that he lived at 15 Bowdoin street, and when you went in to get anything on tap, you knew that he was living at Cambridge, didn't you?—A. I don't know.

Q. When did you know that he was living at 15 Bowdoin street?—A. About two years ago.

Q. About two years ago you knew positively that he was living at 15 Bowdoin street?—A. Not positively; I am giving my idea of it.

Q. According to your idea of it, he had been living at 15 Bowdoin street two years previous to that time?—A. I don't know what time he was living there.

Q. What was the particular time—the season, he lived at No. 15 Bowdoin street?—A. I don't know as I could state.

Q. You satisfied yourself in some way that he was living there?—A. Yes; I did.

Q. You did satisfy yourself of that?—A. I had been up there.

Q. When?—A. I don't know.

Q. What season of the year?—A. I don't know as I could say the season of the year.

Q. How many times all told did you meet him?—A. Probably two or three times; I met him occasionally.

Q. Now, in two or three years you met him occasionally, and went up to the room with him?—A. Yes.

Q. How many times did you go to the room with him?—A. Two or three.

Q. From what other sources did you derive that information?—A. I knew fellows that went there, and I have been there.

Q. As a result of seeing him go up there two or three times you went up and swore that he lived there on the 1st of May?—A. Yes.

Q. Who else had seen him there?—A. I don't know; one other fellow.

Q. Had you ever met him before?—A. I don't know; I think I have met him before.

Q. Where?—A. I don't know.

Q. At what place?—A. I don't know.

Q. What did he look like?—A. I don't know.

Q. Tall, thin, short, or stout?—A. I appeal to the court on his questions, your honor.

The COURT. You can answer them.

The WITNESS. I have been answering them over and over again.

The COURT. You ought to be able to stand it as long as he can.

The WITNESS. I like to act like a gentleman to him.

The COURT. You will keep on.

The WITNESS. I don't know him at all.

Q. Did you know him at the time?—A. I think so.

Q. What time was it each year you went to get Anglin assessed?—A. Sometime before registration closed. I don't remember exactly.

Q. As a matter of fact, when was it?—A. I don't remember exactly; sometime before it closed.

Q. Shortly before it closed?—A. I don't remember. We got there in time for him to register; that is all I know.

Q. Anybody else living with Anglin in the room when you went up to to see him?—I don't remember. I think I heard him say there was somebody, but I do not remember who it was.

Q. A man or woman?—A. Some man.

Q. Whether or not you know whether his name was not taken by the street assessors in 1902?—A. Do I know any reason?

Q. Yes.—A. No, sir.

Q. He was there at that time, wasn't he?—A. I think he was; I can't swear to that fact.

Q. Are you not sure enough to swear that he was?—A. I am as positive as a man can be.

Q. You were sure enough that he was to swear to it when you went up and swore to it?—A. Yes, sir.

Q. And yet you only knew him casually from going to his room?—A. Yes; I was quite a friend of his.

Q. You did not know him well enough to know where he worked?—A. Yes, I knew where he worked. I knew he worked in the old court-house in May or April. I don't know exactly where he was.

Q. Well, previous to May 1, 1902, you knew him, didn't you?—A. Yes.

Q. Take the April previous; where did he work?—A. I don't know.

Q. Was it at the old court-house that he worked then?—A. I know he worked there, but I could not state the exact date.

Q. Who is John J. Dean?—A. My brother.

Q. He lives at 49 Auburn street?—A. Yes, sir.

Q. Where does he work?—A. He is dead.

Q. When did your brother die?—A. Sometime in November.

Q. This last November?—A. Yes.

Q. Do you know John McCracken?—A. I know him.

Q. Did he live there last May?—A. Yes, sir.

Q. At 49 Auburn street?—A. I guess so; I don't know.

Q. You lived there?—A. Yes, sir.

Q. How many are there in your immediate family, including your sister?—A. Her two sons and my mother.

Q. Has she any children?—A. Two children.

Q. How many rooms in the house 49 Auburn street?—A. Ten rooms.

Q. You occupy what room?—A. I occupy an attic room.

Q. With whom, if anybody?—A. Myself.

Q. That is, you have the sole occupancy of that room; now, on the first floor how many rooms are there?—A. Two basement kitchens.

Q. How many floors are there, all told?—A. Four.

Q. That is, including the basement kitchens?—A. Yes, sir.

Q. Now, the basement kitchen is used for kitchen purposes; what is the other kitchen used for?—A. Dining room.

Q. Then on the first street floor how many rooms are there?—A. Two.

Q. What are they used for?—A. Well, at different times a sleeping apartment, and one for a parlor.

Q. One is principally used for a parlor and the rear room you use at times for sleeping purposes and at times for a sitting room?—A. Whatever occasion requires it to be used for.

Q. On the floor above that how many rooms are there?—A. Three.

Q. All sleeping rooms?—A. No, sir.

Q. What are they used for?—A. There is a family living there.

Q. What is the name of that family?—A. Horne.

Q. Man and wife and children?—A. Man and wife.

Q. They occupy three rooms alone?—A. Yes, sir.

Q. Any children?—A. No, sir.

Q. What is his business?—A. Fresco painter.

Q. What room did Mrs. Farly occupy?—A. Different rooms.

Q. What rooms did she sleep in last spring?—A. I don't know as I could say.

Q. Do you mean to say that she did not have any designated room as her own?—A. No designated room.

Q. Where did the two children sleep?—A. In the attic.

Q. Above the Horne domicile of three rooms there was an attic floor?—A. Yes, sir.

Q. Of how many rooms?—A. Three. Nobody slept in the basement. There was one room on the first floor that was used sometimes as a sleeping room or general living room; sometimes my sister and my mother slept there, and sometimes they slept upstairs and I downstairs.

Q. By your sister you mean Mrs. Farly?—A. Yes.

Q. And the two children—where do they sleep?—A. Generally in the attic.

Q. They had a separate room for the two children?—A. Yes.

Q. Who occupied the upper room in the attic?—A. There are two other rooms in the attic.

Q. You said there were three rooms and that you occupied one yourself exclusively?—A. Well, sometimes.

Q. The children occupied the other?—A. No; not altogether; generally at that time they did; sometimes they would and sometimes they would not, and sometimes I would occupy it.

Q. Who occupied it last spring?—A. I don't remember.

Q. Where did the two children sleep generally?—A. In the attic.

Q. When they slept, the two children had the two rooms to themselves, didn't they?—A. No, sir.

Q. How old are they?—A. One is 12 and the other about 10.

Q. Who slept in the third room?—A. There are two beds there.

Q. These two children are of what sex?—A. Two boys.

Q. Who slept in those two beds in the third attic room last spring?—A. A fellow named Sheehan, and sometimes he would have McCracken sleep with him.

Q. And sometimes he would sleep alone?—A. Yes; when McCracken would not come home.

Q. In the other bed who slept?—A. Mr. Crowley, and sometimes another Mr. McCracken, and sometimes I would sleep there.

Q. Other than that nobody else slept there last spring?—A. Not that I remember of. There was one room my brother used to sleep in on a couch—a small bed.

Q. Where did your brother, who is now dead, sleep last spring?—A. In one of the attics.

Q. Which one of the three?—A. The back attic.

Q. That was not the room that McCracken, Sheehan, and his friend slept in sometimes?—A. No, sir.

Q. That is not the room the two children slept in?—A. The rooms were changed round.

Q. I speak of the last of April or the 1st of May, 1902.—A. There was a couch that I generally slept on.

Q. I thought you said you used that alone?—A. I slept in my bed, and there was a couch also.

Q. When you say you used it exclusively, ten or twelve others could sleep on couches?—A. No, sir; not exactly.

Q. What do you mean by that?—A. I said sometimes the two nephews would sleep with me.

Q. Not generally though, did they?—A. Well, whenever occasion required it.

Q. Where did Mr. Crowley sleep?—A. In the back attic.

Q. Where did Daniel McEcheam sleep there?—A. Sometimes there and sometimes out of town.

Q. How long did he stay at that house?—A. He has been there three or four years, as near as I can state, off and on.

Q. What was he doing when out of town, if you know?—A. He was a bricklayer.

Q. How long did he live there last spring?—A. He lived there all the time off and on.

Q. Whom did he work for last spring?—A. I don't know who he was.

Q. Don't you know?—A. No, sir.

Q. Did he work for the city of Boston?—A. No, sir.

Q. Never while he lived there?—A. No, sir.

Q. Do these same parties live there to-day?—A. Yes, sir.

Q. All the parties live there to-day?—A. Yes, sir; all outside of my brother.

Q. Where does Patrick Anglin sleep?—A. In the back attic now.

Q. What back attic?—A. The back attic; there is only one.

Q. Where do you sleep now?—A. In the back attic now.

Q. With him?—A. Sometimes.

Q. What is your room there?—A. What do you mean?

Q. Have you not any portion of the premises there designated as your room?—A. I am in the back attic.

Q. Is that the same room that Anglin could call his?—A. Yes, sir.

Q. Your room with him?—A. I don't know as I room with him; I live with my family.

Q. He lives there, does he not; he sleeps there?—A. He sleeps there all the time.

Q. Yet you could not state that he worked for the city of Boston?—A. I said that I knew that he worked for the city.

Q. You said that you did not learn of his working for the city until you read what it said in the paper?—A. No, sir; I said I read in the paper of his specific duty as a breaker of horses.

Q. Is McEcheam a large man?—A. I don't know; I don't think so.

Q. Who is William J. Sheehan?—A. A young man that works in Finn & Kelley's, the hatters on Bowdoin Square.

Q. He has lived there for how long?—A. Five or six years.

Q. Regularly?—A. Regularly.

Q. Whom did he room with?—A. He used to room with my sister.

Q. You don't mean that exactly, of course; what room did he sleep in?—A. Oh, different rooms; the beds were changed round different times.

Q. Where did he room last May?—A. I think he slept in the back attic.

Q. You have been sleeping in the back attic last spring?—A. I don't know where I did sleep last spring; I lived in the house, that satisfied me.

Q. If you did not sleep in the back attic, where did you sleep?—A. I slept down stairs.

Q. What is your recollection as to where you slept last spring, 1902?—A. As it comes back to me I think I can recall it; I slept down stairs; I was sick.

Q. When you were sick did you sleep in the basement?—A. No, sir; I specified a room I occupied there.

Q. The back room on the first street floor?—A. Yes, sir.

Q. Where did your mother and Mrs. Fardy sleep that time?—A. I could not tell you.

Q. Where did the two children sleep that time?—A. They slept somewhere in the attic. I was sick, and I don't think I could be held accountable for anything that went on in the house at that time.

Q. What was the matter with you?—A. Pneumonia.

Q. In April, 1902?—A. Yes, sir.

Q. Who was your doctor?—A. Dr. Coburn, Warren Chambers.

Q. When you had pneumonia your mother did not sleep there, or Mrs. Fardy, did she?—A. I think she did.

Q. The last of April or 1st of May, where did you sleep then?—A. I guess in the attic.

Q. With whom did you sleep up there?—A. Well, I slept sometimes with my two nephews.

Q. With whom did you sleep the last of April or the 1st of May?—A. Generally with my two nephews; sometimes I would get in with Mr. Sheehan.

Q. Then you did not have the room in the attic exclusively?—A. Well, I did have it if I wanted to.

Q. What did you have at that time?—A. I had the whole house if I wanted it.

Q. You could only sleep in one room, no matter how hard you tried?—A. I could sleep in any room I wanted to.

Q. In what room did you sleep?—A. I used generally to have a front attic room.

Q. Did you ever sleep in the middle attic room?—A. There are two front attic rooms and one back.

Q. Which one did you have?—A. The one on the left.

Q. Did Sheehan live in that one?—A. No.

Q. Did McCracken sleep in the other one?—A. No, sir.

Q. In what capacity were these men there—all boarders?—A. Yes; boarders and lodgers.

Q. They took their meals there and had some place to keep their clothes locked up?—A. Yes.

Q. Where did they keep them?—A. Wherever they laid them down.

Q. You mean to say they had no special rooms as lodgers. That is, they left their clothes in one room and come back at night to sleep?—A. Oh, no; Mr. Sheehan was generally in the back attic.

Q. And Mr. McCracken was generally with Sheehan?—A. No.

Q. Did you not say that Sheehan and McCracken roomed together?—A. Not that I know of.

Q. Did they ever room together?—A. Not that I know of.

Q. Now, what did Mr. McCracken look like?—A. What did he look like?

Q. Yes.—A. Oh, a kind of medium sized man, kind of stout.

Q. Is he here to-day?—A. Not that I know of.

Q. He is living at your house now?—A. No; not just at present.

Q. I thought you said all the folks who were living at your house last spring were living there now?—A. No, sir; not Mr. McCracken.

Q. How long was he living on there, to use your expression?—A. About a month ago.

Q. Where did he go then?—A. I don't know; out of town.

Q. May 1, 1902, he lived on there, didn't he?—A. I think so.

Q. Where did he room?—A. In one of the front attics.

Q. Who did he occupy it with?—A. I don't know. He generally occupied that room, that front attic; slept there whenever he wished to.

Q. Where did John McCracken live last May?—A. He lived there.

Q. What room?—A. He generally slept in the front attic.

Q. Not with McEcheam?—A. Sometimes; most generally.

Q. Was he or not a roommate of McEcheam's?—A. Yes; he generally was.

Q. Then Sheehan was not a roommate of McEcheam's?—A. No, sir.

Q. He never was?—A. Might have been some nights.

Q. As far as you know, he never was a roommate of his?—A. Yes; he might have been.

Q. When might he have been?—A. I don't know.

Q. Then, so far as you know, he never was a roommate of his?—A. I have seen him in there with him, sleeping with him probably one night.

Q. But he had another regular place of sleeping in that house?—A. Yes, sir.

Q. Where was that?—A. The front attic.

Q. Who slept with him regularly?—A. Well, regularly, Jack McCracken slept with him.

Q. Are you a member of the Hendricks Club?—A. Yes, sir.

Q. How long have you been a member of the Hendricks Club?—A. About a year, I guess.

Q. That is a Democratic club of Ward 8?—A. A social club.

Q. Is it a social club or not?—A. I could not answer for all of them.

Q. What is the politics of the majority of the members, if you know?—A. I don't know.

Q. That is, you have no reason to think that the Hendricks Club is a Democratic organization, have you?—A. I have no reason to what?

Q. Think that it was a Democratic organization?—A. I suppose I have.

Q. Then you have reason to think it was a Democratic organization, have you?—

A. Yes; I suppose so.

Q. Did you think it was a Democratic organization in 1900, December?—A. Yes, sir.

Q. At the city election?—A. Yes, sir; I never knew it to change.

Q. Your politics are Democratic? You are a Democrat in politics?—A. Well, I don't know.

Q. Republican, Democrat, Socialist, or Prohibitionist?—A. I don't know. I generally vote the Democratic ticket.

Q. Do you know for whom John McEachern works?—A. No; I don't know exactly who he works for.

Q. What is his line of work?—A. Bricklayer.

Q. John McCrackin, and on the voting list "McCaekron."—A. He is a bricklayer, I guess.

Q. Works for the city of Boston, does he?—A. Not that I am aware of.

Q. How long has he lived at your house?—A. Five or six years.

Q. Don't you know whether he works for the city of Boston or not?—A. I am pretty sure he does not.

Q. Is he a member of the Hendricks Club?—A. I don't know.

Q. Never saw him down there?—A. I don't know.

Q. How many members has the Hendricks Club? Have you any idea?—A. I don't know.

Q. Have you any idea of the number of members of the club to which you belong?—A. No, sir.

Q. Don't know whether it is 50, or 500, or 5,000?—A. I don't know that it is 5,000.

Q. You don't know whether it is 50 or 500?—A. I know it is over 50.

Q. Do you suppose there is over 500?—A. I don't know; there might be for all I know.

Q. Where does McEachern work?—A. He is a bricklayer.

Q. Dan, McEachern, do you know whether he works for the city of Boston?—A. I don't think he does.

Q. Do you know where he works?—A. No, sir.

Q. How long has he lived at your house?—A. Well, three or four years, off and on.

Q. He is not living there now?—A. Not to-day.

Q. McCracken or "McCaekron" is not living there?—A. Yes; he is to-day.

Q. Is he there now?—A. I don't know whether he is there now.

Q. I don't mean this minute, but this general time. Has he ever left there that you know of?—A. Not that I know of.

Q. Have you any knowledge of Daniel R. McEachern living in Brighton?—A. No, sir.

Cross-examination by Mr. MORAN:

Q. How many weeks were you sick in the spring of 1902, roughly speaking?—A. About three weeks.

Q. The greater portion of that time you were sick abed?—A. I was sick abed; I was a week and a half in the hospital.

Q. Were you treated by a physician at your house before you went to the hospital?—A. Yes, sir.

Q. Then when you were able to come out of the hospital you returned to your own house?—A. No, sir; not directly.

Q. How long after?—A. Well, I went to Brockton for two or three weeks.

Q. Then when you fully recovered you went back?—A. I eventually came back.

Q. Now 49 Auburn street is where you live?—A. Yes.

Q. That house is kept by your sister?—A. Yes, sir.

Q. And she rents rooms, has boarders and lodgers?—A. Boarders and lodgers; yes, sir.

Q. She also has a small store?—A. Yes, sir.

Q. And I suppose while sleeping at that house you have slept in any room that would be assigned to you from time to time?—A. Generally; yes.

Q. That is, if she let the room you had been occupying last week to a lodger, you would be put in another room?—A. Yes, sir; another room.

Q. You went to work for the city not as a permanent, but as an extra, man, didn't you?—A. Yes, sir; some weeks I would not get only a very little pay—probably one day or two days' pay.

Q. So that you have not been working steadily two and a half months?—A. No, sir.

Q. Sometimes you worked a day in the week and sometimes two or three?—A. Yes, sir; sometimes two or three.

Q. That is, when they needed a person they sent for you, and you went to work?—A. Yes, sir.

Q. And you continued to work during the portion of the day that they needed your services?—A. Yes, sir.

Q. You are called a substitute, are you not, in that employment, the technical term?—A. Yes, sir.

Q. Your name is George R. Dean?—A. Yes, sir.

Q. You are not related to the judge sitting in this case?—A. Not that I am aware of.

Q. And John J. Dean on the voting list was your brother who has died since?—A. Yes, sir.

Q. Thomas J. Horn had a tenement in the house?—A. Yes, sir.

Q. This is all May 1, 1902? And John McCracken, the bricklayer, was living there at that time?—A. Yes, sir.

Q. And had been for some years?—A. Yes, sir.

Q. Daniel McEachern was living there at that time, and had been for some years?—A. Yes, sir.

Q. And William J. Sheehan the same?—A. Yes, sir.

Q. Timothy W. Crowley was living there at that time, and had been living there for some years?—A. Yes, sir; about a year and a half.

Q. You were not particularly interested in the lodgers, or in the rooms in which they slept?—A. No, sir.

Q. You merely lived there in the same house that your sister did?—A. That is all.

Q. That is, it was not your house?—A. No, sir.

Q. They were not your lodgers?—A. No, sir.

Q. You had no supervision or control over them?—A. No, sir.

Q. Did not indicate to them where they should sleep, or fix their pay or receive it?—A. No, sir.

Q. You had nothing to do with that?—A. No, sir.

By Mr. MALLEY:

Q. Who did indicate where they should sleep?—A. I suppose my sister did.

Q. Just when did your brother John Dean die?—A. Last November, 1902.

Q. What did he die of?—A. Kidney trouble, I believe.

Q. How long had he been sick abed previous to that?—A. Two or three weeks.

Q. Didn't you say on direct examination that you received \$2 per day?—A. Yes, sir.

Q. So that you did receive \$2 a day for the morning work you did for the city of Boston?—A. Yes, sir.

By Mr. MORAN:

Q. So that you received \$2 for each day you worked?—A. Yes, sir.

Q. That is, for each portion of the day you worked?—A. Yes, sir.

Q. That is, for the portion you worked?—A. Yes, sir.

TIMOTHY W. CROWLEY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Timothy W. Crowley; 49 Auburn street; 23 years old; occupation, unemployed.

Q. That is not an occupation, is it?—A. I am unemployed.

Q. You mean you have no occupation?—A. No occupation at the present time; no, sir.

Q. Have you any trade?—A. No, sir.

Q. Where did you last work?—A. For the city of Boston.

Q. What department of the city of Boston?—A. Street-cleaning department.

Q. What was your line of work there?—A. I was rated as the emergency man. I worked for a few weeks as a night watchman, and have gone off and on a team, or different places around.

Q. That is, as an emergency man you worked five or six days at a time?—A. No, sir; sometimes I would go over and would not work at all, and sometimes again I would be fortunate enough to work four or five days.

Q. You did not get the work from the civil service commissioner?—A. No, sir.

Q. That is, whenever there was a great emergency your presence would be demanded?—A. Well, I do not know that it would be great emergency. Probably when a man would be off I would fill his place.

Q. You never worked a week steadily for the city of Boston?—A. Yes, sir; I have.

Q. Seven days is the longest stretch you worked?—A. Yes, sir.

Q. When did you leave off?—A. I could not say.

Q. You are something like a member of the fire department, you are liable to be called upon any time?—A. Not that I am aware of.

Q. What was the last emergency that called you to work?—A. I presume I worked probably a couple of weeks the last time.

Q. When was that?—A. Two or three weeks back.

Q. Have you been working for the city of Boston up to three or four weeks ago?—A. Yes, sir; probably till a few days ago.

Q. When was the last time?—A. I could not say; last week.

Q. When was it last week?—A. Some day in the middle of the week; I would not say. It might be Wednesday or Thursday; not previous to that.

Q. Just previous to your employment by the city of Boston you got a summons to come here?—A. I would not say whether previous or just after. My memory does not bear me out in that.

Q. Was it not March 10 when you got the summons?—A. I could not swear to it.

Q. Do you not know when you got the summons?—A. I could not say. I saw a man leave it at the door and I went across to him.

Q. From whose hands did you get the summons?—A. From a lady in the house where I resided—Mrs. Horne.

Q. That was about Wednesday?—A. I would not say just when it was.

Q. Was it any earlier than Tuesday?—A. I would not say it was earlier or later. I can not recollect just when it was.

Q. Well, at any rate, it was after you got the summons that you stopped working?—A. I have not stopped work yet. If I went round to-morrow morning, if there was a vacancy, I would get work.

Q. Were you to have occupation as an emergency man?—A. I only have work when I work. I don't say that I have an occupation.

Q. How long have you lived at 49 Auburn street?—A. Probably a year and a half, or little less.

Q. What room did you occupy May 1, 1902, or the last of April?—A. Well, May 1, 1902, I occupied the back attic room of the first, second, third, or fourth story.

Q. Who did you sleep with?—A. William Sheehan, a young man in Finn & Kelley's.

Q. Are you rooming now with him?—A. Yes, sir.

Q. Married or single man?—A. Single man.

Q. Never married?—A. No, sir.

Q. Where did you live before you lived at 49 Auburn street?—A. Up to McLean street for a while.

Q. Where at McLean street, and for how long a while?—A. Oh, probably three or four weeks.

Q. At what number McLean street did you live?—A. I don't recall.

Q. Any idea between what numbers it was?—A. I would not say just what number it was; somewhere round forty-something; I forget just where.

Q. Where were you born?—A. North Adams, Mass.

Q. Parents living?—A. No, sir.

Q. Where did you live before you lived for three or four weeks at the unknown number on McLean street?—A. I can't say where I lived. I have lived in Roxbury and Dorchester.

Q. At the place that you lived previous to three or four weeks ago, when you lived at the unknown number on McLean street, how long did you live there?—A. Where?

Q. At that place.—A. Which place?

Q. The place previous to your living at McLean street.—A. That is something like two years ago; I don't recall.

Q. About how long did you live there?—A. Well, I was living somewhere all the time.

Q. What is the last place previous to McLean street that you remember you lived at?—A. I don't exactly recall now.

Q. You don't remember living anywhere else in your life, do you, in Boston, previous to living at McLean street?—A. Yes; I do; I told you I lived in Roxbury and Dorchester.

Q. When did you live in Roxbury last?—A. Six or seven years ago.

Q. When did you live in Dorchester?—A. It was eight or nine years ago.

Q. Where did you live in Roxbury?—A. At 213 Heath street.

Q. How long did you live there?—A. Probably about two years.

Q. With whom did you live?—A. My parents.

Q. Where did you go to live after that?—A. North Adams.

Q. How long did you live there?—A. Several years.

Q. How many years?—A. I would not want to say.

Q. It is four or five years you lived in North Adams?—A. I said three or four years. I did not say when I left there.

Q. When did you leave North Adams?—A. About five years ago.

Q. Left there before you got there?—A. I said I lived two or three years ago at Heath street.

Q. You left North Adams and you are here now?—A. Yes, sir.

Q. When did you live at Heath street?—A. A few months after I left there.

Q. Where did you go then?—A. Boston.

Q. Where did you go to live in Boston?—A. I lived at Hotel Eastern, corner of Canal and Causeway streets, now Haymarket.

Q. How long did you live there?—A. I would not say how long; and then at different places since.

Q. Do you know of any other place you lived since you lived at the Hotel Eastern?—A. I lived in Allston at one time, and several other places.

Q. Where in Allston?—A. Pratt street.

Q. With what family?—A. My folks.

Q. When did you leave there?—A. I would not want to say.

Q. Do you think it was about three years ago?—A. It might and might not be.

Q. Where did you go to live after you left Pratt street?—A. I don't know that I can remember now.

Q. Do you remember any place that you went to live since the time you left Pratt street, except three or four weeks at McLean street and the time you lived in Auburn street?—A. No; I lived in several places that I can't remember.

Q. Did you give your name to the assessors?—A. No, sir.

Q. Do you know who did?—A. I suppose the lady in the house where I lived.

Q. The first time you voted in the city of Boston election was last November?—A. Yes, sir.

Q. You did not give your name and age to the lady in the house, did you?—A. I don't remember. She knows my name. There was no need of giving the age.

Q. You did not speak to her about getting assessed?—A. No, sir.

Q. Are your parents living now?—A. Yes.

Q. Where do they live?—A. They reside in Allston.

Q. What street and number?—A. Pratt street.

Q. What number?—A. I don't recall what number.

Q. When were you there last?—A. I was out there yesterday.

Q. Did you sleep there last night?—A. No, sir.

Q. When did you last sleep there?—A. I don't recall; it might have been about a year ago for a night or so.

Q. Never slept there since a year ago, when you slept there a night or so?—A. I don't remember.

Q. How many in the family at Pratt street?—A. I have a father and mother.

Q. What is your father's name?—A. John F.

Q. What does he do?—A. Works in the North Union Station.

Q. What position?—A. Charge of the lost articles room.

Q. Any brothers out there?—A. Yes, sir; John, who is probably 15.

Q. He does not work?—A. No, sir.

Q. Any sisters?—A. Yes, sir.

Q. How many?—A. Four.

Q. They all live there?—A. Yes, sir.

Q. What is the oldest sister's age?—A. I should think about 26.

Q. Have you any reason for not living in Allston rather than in Auburn street?—A. None but personal reasons. I am not obliged to state here, am I?

Q. Are you a member of the Hendricks Club?—A. No, sir.

No cross-examination.

(The subpoena for Daniel McEachern was offered in evidence, and marked "Exhibit 141.")

DOMINICK HART, sworn.

By Mr. MULLEY:

Q. State your name, age, residence, and occupation.—A. Dominick Hart; 28 years of age; 58 Auburn street; laborer.

Q. Where do you work?—A. Work on Joy street.

Q. What line of work?—A. Work for a man named Jeffries, roofing business.

Q. What number Joy street?—A. No. 77.

Q. How long have you been working for him?—A. Three or four years.

Q. Ever been married?—A. No, sir.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. About twelve years ago.

Q. When and where were you naturalized?—A. Naturalized in Boston, at the Federal building, Post-Office square.

Q. When?—About three-and-a-half years ago.

Q. What year did you come to America?—A. I could not really say.

Q. You are sure it was twelve years ago?—A. Yes, sir.

Q. Three years ago you were naturalized at the post-office. Who were the witnesses?—A. I could not really tell you who they were.

Q. Did you know them at the time?—A. I could not really say.

Q. Whether you knew them at the time or not?—A. No, sir.

Q. Did they know you?—A. Yes, sir.

Q. In what year were you born?—A. I could not really say.

Q. What?—A. I could not really say; I did not keep no date.

Q. Where did you see these witnesses that went down to swear as to your naturalization?—A. I could not really say where I have seen them, but they have seen me when I was a child.

Q. So that they swore to having seen you in the old country. How long were you here?—A. They saw me when I was 7 or 8 years old.

Q. They were playmates of yours in childhood?—A. They knew me. They were much older men than me.

Q. That was a pretty important event in your life—getting naturalized—and you considered it so when you became an American citizen?—A. Sure.

Q. It impressed you pretty well at that time?—A. Sure.

Q. Did they ask you to swear?—A. No.

Q. They did not ask you?—A. I was willing to go myself.

Q. How did you know they were willing to go?—A. I had a friend who got these men; they asked me to go there, and I asked my friend if I could get naturalized.

Q. You got a friend to ask these two men to ask you to get naturalized?—A. No; I say I told this friend of mine that I would get naturalized. He says, "You can get it easy." He says, "Be up there, and there will be two men that will know you up there."

Q. So that you went up there, and suddenly you discovered two men that would know you, and they knew you right off?—A. No; they didn't know me right off.

Q. How quickly did they know you?—A. I don't know, really.

Q. How long conversation did you have with these two witnesses before they would swear that they knew you wanted to be an American citizen?—A. I could not really say.

Q. Whatever they did, they swore to something, and you came out with some naturalization papers?—A. No, sir.

Q. Well, did you get your naturalization papers?—A. Yes, sir.

Q. Have you got them now?—A. Yes, sir.

Q. Where are they?—A. I guess they must be at home.

Q. Where did you last see them?—A. I can see them at any time at all; they are in my trunk.

Q. When did you last see them?—A. Probably three or four months ago.

Q. What was the occasion of your looking at them three or four months ago?—A. I was going through my trunk.

Q. I suppose you looked them over as a matter of curiosity?—A. No; I threw them out of my hand.

Q. Can you now recollect any one of the two witnesses who swore to your naturalization, or what they looked like?—A. No, sir.

Q. Were they tall, thin, or stout men?—A. I could not say.

Q. Who was the friend that told you you would find two men down there?—A. I could not really say who was the friend.

Q. You said he was a friend a while ago, didn't you?—A. I could not really say who he was.

Q. Was he a friend, or was he not?—A. I could not really say.

- Q. Was it Martin Lomasney?—A. No, sir; I don't know the man at all.
- Q. Was it William Cuddy?—A. I don't know the man at all.
- Q. Was it Daniel J. Kiley?—A. I don't know the man at all.
- Q. Do you know Martin Lomasney?—A. No, sir.
- Q. Do you know William Cuddy?—A. No, sir.
- Q. Do you know Daniel J. Kiley?—A. No, sir.
- Q. Do you know anyone in Ward 8?—A. Very few.
- Q. Where did you live when you were naturalized?—A. At 58 Auburn street.
- Q. Was it George R. Dean?—A. No, sir.
- Q. Was it any one of the men that lived in the house with you?—A. No, sir.
- Q. Now, coming back to the friend whom you say told you to go down and get naturalized and you would find two men who would know you, I ask you what that man's name was that you say was your friend?—A. I do not know.
- Q. Was he your friend?—A. I could not say.
- Q. How long did you know him?—A. I know him by sight.
- Q. Did you know him to speak to?—A. I would say "How do you do?" to him.
- Q. What did he look like?—A. I don't know.
- Q. How long had you known him by sight?—A. About a year.
- Q. Did you suggest to him that you be naturalized?—A. No, sir.
- Q. What?—A. I said simply that I would like to be.
- Q. How old were you at that time?—A. I must have been—I could not really say now what my age was at that time.
- Q. It was three and one-half years ago?—A. About that.
- Q. What season of the year?—A. It must have been in the fall.
- Q. The way you got naturalized was that you had the desire to get naturalized, Mr. Hart?—A. Yes, sir.
- Q. You knew a man by sight for about a year. That is right, is it not?—A. Yes.
- Q. You can not now tell what he looked like?—A. I could not say.
- Q. You can not now tell his name?—A. No, sir.
- Q. But you went up to him and said you were going to be naturalized?—A. Yes, sir.
- Q. He said "Go down to the post-office building," did he?—A. No; he did not.
- Q. What did he say?—A. "I guess if you want to put in an application you can get naturalized."
- Q. Did he tell you where to go?—A. I knew myself.
- Q. Who told you where it was?—A. I knew it by hearing it.
- Q. If you knew it why did you ask him?—A. I did not ask him about going down there.
- Q. What did you ask him for?—A. Just said it offhand.
- Q. He said if you went down you would see two men that would know you?—A. No; he did not say it like that.
- Q. Do you wish to change your testimony on that point?—A. He did not say it like that.
- Q. What did he say?—A. I asked him if I should get naturalized and he said, "So you can." I was willing to get naturalized.
- Q. What else did he say?—A. That is all.
- Q. What did you say before—that he said if you went down somewhere you would find two men that would know you?—A. I did not say that at all.
- Q. What did you do after that for the purpose of getting naturalized?—A. I went down there.
- Q. Down where?—A. Down to get naturalized.
- Q. Where did you go to get naturalized?—A. Down to the—I forget now.
- Q. Where did you say you went to?—A. I forget the name of the building now that I went to.
- Q. What street was it on?—A. Somewhere on State street.
- Q. Whom did you see there?—A. Well, I seen, I guess, a tall fellow.
- Q. Where did you first see your witnesses? There?—A. Yes.
- Q. And they knew you?—A. Yes; the Toland fellow is one.
- Q. What was the name of the other?—A. I disremember the other fellow.
- Q. What is Toland's first name?—A. John Toland.
- Q. How long had you known him?—A. Quite a while.
- Q. Where did he live?—A. Somewhere on Allen street.
- Q. What did he do?—A. I don't know.
- Q. Was he born in Ireland?—A. Yes.
- Q. In the town you lived in?—A. No, sir.
- Q. What town did he live in?—A. I could not say.
- Q. Then he did not live with you at home? One of the witnesses that swore to

your naturalization was not an older man than you that knew you at home?—A. Yes, sir; he was an older man.

Q. What town did he live in?—A. I could not really say in what town.

Q. What county did he live in in Ireland?—A. I could not say.

Q. So far as you know he did not live in the county that you lived in?—A. He might be on the borders where I lived.

Q. You did not know him there?—A. No, sir.

Q. Where did you first meet him?—A. In Boston.

Q. On what street?—A. I don't remember now, what street.

Q. What place on the street?—A. I disremember.

Q. How old was he as you remember from his appearance?—A. He must be about 45.

Q. What did he look like, this John Toland that was your witness?—A. Kind of sandy.

Q. Sandy complexion with a mustache?—A. Yes, sir.

Q. Light mustache and light hair?—A. I could not really say.

Q. Have a full beard?—A. No.

Q. What did the other witness look like?—A. I could not really say what he looked like.

Q. Was he born in Ireland?—A. I don't know.

Q. What?—A. I could not really say.

Q. So that he was not a man that you knew at home in Ireland?—A. I could not say.

Q. He was not a man that you knew at home in Ireland?—A. I don't think so.

Q. So that now neither of the two witnesses that testified to your naturalization knew you at home, so far as you know?—A. I don't suppose they did.

Q. They did not know you, and you did not know them?—A. I met them here.

Q. Where did you first meet this other man?—A. I disremember.

Q. Where did you meet him?—A. I disremember.

Q. How long before this naturalization had you known John Toland?—A. For years before that—five or six.

Q. Where did you live five or six years before you were naturalized?—A. On Spring street.

Q. What number Spring street?—A. I lived on Cunard avenue.

Q. What number Cunard avenue?—A. I think it was eight and a half to nine years ago.

Q. Then eight and a half to nine years ago you lived on Cunard avenue?—A. I don't know.

Q. You say you knew John Toland for five or six years before that, didn't you?—A. Four or five years.

Q. Then if it was three and a half years ago, and it was four or five years before that, you knew him from seven and a half to eight and a half years before to-day?—A. Yes.

Q. And seven and a half to eight and a half years before to-day you lived in Cunard avenue, didn't you?—A. Yes.

Q. Who did you live with?—A. Tom Biggins.

Q. Is he alive?—A. Yes, sir.

Q. Where does he live?—A. At 58 Auburn street.

Q. Does he live at 58 Auburn street now?—A. Yes.

Q. Does he run a house there?—A. He runs a tenement.

Q. For whom were you working at that time?—A. I was working for the Boston and Albany.

Q. In what department?—A. In the Sections.

Q. Who was your foreman at that time; what was his name?—A. I forget.

Q. You were a section hand seven and one-half to eight and one-half years ago? What section did your gang have charge of?—A. I could not say what section.

Q. Did you vote at the State election last November? Were you in Boston November 4, 1902?—A. Yes.

Q. Did you vote at the elections that day?—A. Yes, sir.

Cross-examination by Mr. MORAN:

Q. You have not a very good memory, have you?—A. No, sir; I have not.

Mr. MALLEY. I wish to suspend the examination of this witness. I wish to recall him later.

Mr. MORAN. I want to examine him when you get through with him.

Mr. MALLEY. I simply reserve the right to examine him.

Mr. MORAN. We will call him again.

PATRICK HENRY, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Patrick Henry, 58 Auburn street, 36 years of age, and roofer by trade.

Q. Where were you born?—A. I was born in the county of Sligo, Ireland.

Q. When did you come to America?—A. I came nineteen years ago last May.

Q. Where did you come to?—A. I came to Boston.

Q. Lived here ever since?—A. No; I have not been here ever since. I have been up in Montpelier some time.

Q. How long in Montpelier?—A. Six years.

Q. How long was your last continuous stay in Boston?—A. I am here about ten years.

Q. Married?—A. I have been married; my wife is dead.

Q. Republican or Democrat in politics?—A. It doesn't make much odds to me.

Q. When were you naturalized?—A. Four years ago last October.

Q. Where?—A. In the post-office; I guess it was.

Q. Who were the witnesses?—A. John Slattery and Patrick Higgins.

Q. Who is John Slattery?—A. I guess he is home in Ireland; I think he is.

Q. Where did he live at that time?—A. In Cypress street then.

Q. What was his business?—A. He drove team for John Feeney.

Q. What was Patrick Higgins' business?—A. I really don't know. I think he worked for the city of Boston at the time, but I am not sure.

Q. He is the one in whose house you live now?—A. No; Tom Higgins' is where I live now. I was assessed from there.

Q. Are you living in the place where you were assessed from?—A. No, sir; I am working for William Jeffries.

Q. The same man that Mr. Hart works for?—A. Yes, sir.

Q. He does not stop with him, does he?—A. No, sir.

Q. How long have you lived at 254 East Fourth street?—A. Since last August.

Q. Where were you living on the 1st of May, 1902?—A. At No. 58 Auburn street.

Q. With whom?—A. Thomas Higgins; he was my boarding boss there.

Q. When you went to live at 58 Auburn street, did you go there to board temporarily, or to make it your home?—A. I did not know how long I would live there. When I found they got a nice place I stayed there five years.

Q. Did you vote at the State election?—A. Yes, sir.

Q. Are you a member of the Hendricks Club?—A. No, sir; never have been.

No cross-examination.

(The subpoena for Patrick J. Reagan was offered in evidence and marked Exhibit 142.)

MICHAEL J. WINN, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Michael J. Winn; 31 years of age; residence, 58 Auburn street; freight handler.

Q. Where do you work?—A. For the Boston and Maine Railroad.

Q. How long have you worked for the Boston and Maine Railroad?—A. Off and on for about eleven or twelve years.

Q. Working there now?—A. Yes, sir.

Q. How long have you lived at 58 Auburn street?—A. Since the first week of April.

Q. Where did you live previous to that?—A. At 34 Poplar street.

Q. With whom did you live there?—A. James Winn.

Q. The same name as yours?—A. Yes, sir.

Q. Is he your brother?—A. Cousin.

Q. Now, just what time in April was it you lived at 58 Auburn street?—A. The first week.

Q. Where were you working at that time?—A. The Boston and Maine Railroad.

Q. Where were you born?—A. Ireland.

Q. When did you come to America?—A. In April, 1889.

Q. When and where were you naturalized?—A. In Boston, at the post-office building.

Q. When?—A. About 1897, I guess.

Q. Who were your witnesses?—A. I disremember.

Q. How did you come to get naturalized down there?—A. Well, I thought it was time to get naturalized, that is all.

Q. Did you ask anybody about it for advice?—A. No, sir; I went up of my own accord.

Q. Found out the place yourself?—A. Certainly.

Q. Did you get all your papers out at one time?—A. Yes, sir.

Q. How old did you say you were?—A. About 31 I should judge.

Q. You came to America when?—A. In 1889.

Q. Now, you had to get some witnesses to go down with you, didn't you?—A. They were not with me. I met them. I understood they were going to be there.

Q. You understood what?—A. That there were parties there that knew me and I knew.

Q. You heard that?—A. I naturally was told there was men, neighbors and friends, to be there.

Q. In 1897 you took a notion that you would be able to be naturalized?—A. It was coming round the last time getting out papers.

Q. You told them?—A. I talked to myself.

Q. You talked to yourself?—A. Yes, sir.

Q. You did not receive any advise from anybody else?—A. It was not necessary.

Q. Did you, whether it was necessary or not? Did anybody else tell you that your neighbors and friends were going to be there?—A. Not as far as I know.

Q. How did you happen to think your neighbors and friends would be there?—A. Naturally enough; I thought the time was come to get out the papers, and I thought there would be somebody there.

Q. What do you mean, the latter part of the season?—A. It was coming round October.

Q. You thought it was coming to the season for exercising your right to vote?—A. Yes, sir; it was natural enough.

Q. So you determined you would exercise it?—A. I determined it.

Q. So you made the first step to exercise it by taking a walk to the post-office?—A. Yes, sir.

Q. And you trusted to blind chance that your neighbors and friends would be there?—A. Somebody was going to meet me.

Q. And you were lucky?—A. Yes.

Q. You met them there?—A. Yes.

Q. You went up. Were they your friends of five years' standing?—A. They were old friends I have known since I came to the country.

Q. How many of your friends did you meet there?—A. I met lots of them.

Q. Did you know how many you would need?—A. I understood I would need one or two.

Q. How many did you understand you would meet?—A. Two.

Q. How many old friends did you meet?—A. I could not say.

Q. You met two anyway?—A. Yes, sir.

Q. How many more than two did you meet there?—A. I could not answer.

Q. Did you meet Daniel T. Sullivan down there?—A. I don't know the man.

Q. Did Daniel T. Sullivan make himself acquainted with you?—A. No, sir.

Q. Did you ever hear of him?—A. I don't know; I might have.

Q. Where did the old friends of yours live at that time?—A. At that time one lived on Allen street; I don't know the other; I forget his name.

Q. Where did he work?—A. I don't know.

Q. What part of the old country did he come from?—A. I don't know.

Q. Where did you first meet him when you began to start your friendship?—A. I used occasionally to meet him on the street, evenings.

Q. Where did you first start the friendship?—A. I disremember.

Q. Was the man born in Ireland?—A. I think he was born there.

Q. You could tell an Irishman?—A. I think he was born there, but I can't swear to it. You could tell it quicker than I could.

Q. Did he tell you he was an Irishman?—A. I don't recall.

Q. What did he look like?—A. About my height; a little my complexion.

Q. Did he wear glasses?—A. I don't remember.

Q. What did the other man look like?—A. I disremember now about the other man.

Q. Where did he live?—A. In the West End somewhere, but I don't know what part.

Q. That is, they both lived in the West End?—A. Yes, sir.

Q. Did both live in Ward 8?—A. One man did not live in Ward 8.

Q. What man is that?—A. That is this man.

Q. What ward did you live in?—A. I lived in Ward 8.

Q. Do you know where Allen street is?—A. I do; correct.

Q. You don't know where Ward 8 is?—A. I do; correct.

Q. Then if he lived in Allen street, and it was in Ward 8, they both lived in Ward 8?—A. Yes, sir.

Q. After you got naturalized you got some papers there, didn't you?—A. Yes, sir.

Q. How much did you pay?—A. I paid \$2.

Q. Have you got your papers there?—A. Yes [handing papers to counsel].

Q. When did you last see those witnesses?—A. I disremember, sir. I don't believe I have seen either of them for quite a while.

Q. Well, about how long since you saw those witnesses?—A. I disremember. I ain't seen them for over a year and a half, I guess.

Q. When did you last see either one of them?—A. I met one of them on the sidewalk on the street.

Q. Now, October 13, 1897, you were naturalized. Where were you working then?—

A. For the Boston and Maine.

Q. In 1892 where were you working?—A. In 1892?

Q. In 1892, 1893, and 1894?—A. I think I was driving team then.

Q. For whom?—A. For Toland.

Q. Where did he live?—A. Somerville.

Q. Have you lived in Ward 8, the West End of the city of Boston, ever since you came to America?—A. Not exactly.

Q. Where did you live in 1889?—A. In Wall street.

Q. Where did you live after that? Did you live in that section of the city ever since you came to America?—A. I lived in Ward 8 all the time except six months.

Q. Where did you live then?—A. I lived in Somerville with the man I worked for.

Q. Are you a member of the Hendricks Club?—A. No, sir.

Cross-examination by Mr. MORAN:

Q. This paper which you produced and passed to counsel on the other side was your certificate of naturalization from the court?—A. Yes.

Q. And you got it from the clerk of the United States circuit court in the Government building, Post-Office square, according to the envelope in which it is contained, which you received with the paper?—A. Yes, sir.

Q. You were naturalized in 1897?—A. Yes, sir.

Q. On the 13th day of October, 1897?—A. Yes, sir.

Q. You remember that year there was a pretty hot mayoralty fight between Tom Riley as one candidate, Edwin U. Curtis as another, and Josiah Quincy as another?—A. I don't remember anything of that. I was not looking after that. I was not interested whatsoever.

Q. Don't remember what the contest was on that fall?—A. No, sir.

Q. You knew it was customary for the various political parties, through their committees, to bring about the naturalization of all persons who were qualified to be naturalized, didn't you?—A. Well, I understood myself it was about time to become a citizen of Boston myself; that I had been long enough in the country to get naturalized. Of course, if you were born here you have nothing to do but go to vote and walk away, but it is different if you have got to go through a lot of stuff.

Q. You understood you had been in the country five years?—A. Yes, sir.

Q. You found out you had lived here long enough?—A. Yes, sir.

Q. And you found out you had to have a couple of witnesses who knew you for over five years?—A. Yes, sir.

Q. And you knew if you had not a couple of witnesses who knew you for five years in this country you could not get naturalized?—A. Yes, sir.

Q. And questions were asked of your witnesses by the clerk of the court there?—A. Yes, sir.

Q. Questions were asked of you and you answered them honestly?—A. Yes, sir; I answered honestly.

Q. And the witnesses answered them honestly, too?—A. I hope so.

Q. And then they gave you this certificate?—A. I got it.

Q. You voted in the Congressional election when Mr. Conry was candidate and elected, and served, two years ago last October?—A. Yes, sir; I voted from 34 Poplar street then.

Q. That is, in Ward 8?—A. Yes.

Q. Then you voted for Mr. Conry, did you?—A. I beg your pardon?

Q. Well, you voted for the Republican candidate?—A. I know I voted; I don't know who I voted for.

Q. You don't know whether you voted for Mr. Conry or the Republican?—A. No.

By Mr. MALLEY:

Q. You don't know who you voted for?—A. No, sir; I don't.

Q. What season in 1889 did you come to America?—A. I come here in the month of April.

Q. What is the day of the month and year of your birth?—A. I should think I was born the 15th of August; I forget the year. I think it was 1871 or 1872. My birthday was in August.

Q. You are 31 years of age, are you not?—A. I am 31 or 32; I am not positive of my age.

Q. You don't know whether 30 or 32?—A. I say 30 or 31.

Q. Now, if it is set down in the assessor's book 1902 that you said June 1 you were 31, you have no reason to believe that is not correct?—A. Well, I should say I ain't sure.

Q. Now, did you get your papers out all together? You only made one visit.—A. One visit.

By Mr. MORAN:

Q. Did you give your name to the assessors, or was it somebody in the house that gave your name and age?—A. It must have been somebody in the house that got my name. I did not give it.

By Mr. MALLEY:

Q. At what house?—A. I must have been assessed from 34 Poplar street. I mean I lived in 40 Blossom street previous to 34 Poplar street.

Q. September 25, 1900, you went before the board of election commissioners and got registered?—A. Yes, sir.

Q. You gave your correct age then, didn't you?—A. As near as possible; as near as I know.

By Mr. MORAN:

Q. It is not an uncommon thing for people born in Ireland not to know the exact time of their birth, is it?—A. I don't know.

THOMAS B. WINN, sworn.

By Mr. MALLEY:

Q. Will you state your name, age, residence, and occupation?—A. Thomas B. Winn; age, 28; occupation, furniture clerk; residence, 19 Willard street.

Q. In Ward 8?—A. Yes, sir.

Q. Where did you live May 1, 1902?—A. At 58 Auburn street.

Q. When did you first go to live there?—A. I come along with my brother from 34 Poplar street, about the first week of April.

Q. When did you leave there?—A. Somewhere about the second last or last week of June.

Q. From whom did you hire your room or lodgings?—A. Mrs. Higgins.

Q. You came from 34 Poplar street the first week of April?—A. Yes, sir; about the first week of April.

Q. And you left there in June?—A. I left there about the last week, or the latter end of the second last week.

Q. For whom were you working at that time?—A. Winn Brothers.

Q. You are in the firm?—A. No, sir; I am not in the firm.

Q. They are brothers of yours for whom you are working?—A. No, sir; cousins.

Q. You had been living with them at 34 Poplar street before that?—A. Yes, sir.

Q. Where did you go after that?—A. My sister lived at 19 Willard street.

Q. When you went to live at 58 Auburn street, did you go there temporarily?—A. Those parties at 34 Poplar street had to move away, and it would be away from my work, and I took the first room I could get that was convenient for me.

Q. That is, when you went to 58 Auburn street, you went because something had happened at 34 Poplar street?—A. Yes, sir.

Q. You had been living with your sister, and you went to stop here temporarily?—A. Yes, sir; I did not know how long I would be there, or when she would come into town.

Q. But you knew that she was coming in before you moved from 34 Poplar street?—A. Yes, sir; she was speaking of it. There was trouble in the family, and it was necessary she should do something different.

Q. Are you working for Winn Brothers still?—A. Yes, sir.

Q. Where were you born?—A. Ireland.

Q. At what time did you come to America?—A. About eleven years ago.

Q. In what year were you born?—A. I am thinking of that; I could not tell you.

Q. What was your birthday?—A. The 26th of December.

Q. In what year?—A. I can not tell you; I never kept no birthday surprise parties on myself.

Q. How did you know how old you were?—A. My sister was here, and she is much older, and could tell my age; and my other brother is here.

Q. That is your brother that testified here?—A. Yes, sir.

Q. He does not know his age?

Mr. MORAN. He might know the younger brother's age.

The WITNESS. He was ahead of me and might know what was going on next.

Q. Does your brother know what year you were born in?—A. I really don't know, I am sure.

Q. Did you ever ask him?—A. No, sir; it really did not bother me a lot.

Q. Did your sister know what year you were born in?—A. Yes, sir.

Q. She lives at 19 Willard street?—A. I think the older sister, who is dead, did.

Q. She is dead, and your brother and you don't know how old you are?—A. There is only a few years between us at any rate.

Q. You feel, though, that you are over 21?—A. I think I am.

Q. When and where were you naturalized? A. The Post-Office building, in Boston, in 1902, I guess.

Q. You were naturalized this year—last year?—A. Oh, no; I mean—

Q. Have you got your papers with you?—A. No, sir; it was 1901; yes.

Q. Year before last?—A. The year before last.

Q. In the fall of the year before last?—A. Exactly.

Q. You went once to the United States court?—A. Yes.

Q. Who were the witnesses?—A. Patrick Higgins and P. J. Toland.

Q. Is Higgins the one that runs 58 Auburn street?—A. I don't think so. He runs part of it.

Q. Where did you first meet Higgins?—A. I knew him ever since I came to the country.

Q. What is his business?—A. Laborer.

Q. Works for the city of Boston?—A. I think so.

Q. Who is P. J. Toland?—A. He is a cousin of mine.

Q. He lives where?—A. At 10 Margin street.

Q. That is in the West End, Ward 8?—A. Yes, sir.

Q. Who does he work for?—A. A cigar dealer and tobacconist.

Q. Keeps a place of his own?—A. Yes, sir.

Q. Did you vote at the State election?—A. Yes, sir.

Q. Belong to the Hendricks Club?—A. No, sir.

Q. Republican or Democrat?—A. Democrat.

By Mr. MORAN:

Q. The 1st of May, 1902, you were living at 58 Auburn street?—A. Yes, sir; I was.

Q. That was the only home you had at that time?—A. The only home I had at that time.

Q. That was your domicile, and you intended it should be so until you established another one?—A. Yes, sir.

By Mr. MALLEY:

Q. What do you understand the word domicile to mean?—A. Do I understand?

Q. Yes.—A. Well, your domicile, that means home temporarily. I did not know how long I was going to be there.

Q. Domicile means your temporary home?—A. This was a good room, and I hired it, and of course I was not going to tell them when I was to be let out.

Q. Just as if you stopped at a hotel?—A. Yes, sir.

By Mr. MORAN:

Q. That was the only home you had?—A. Yes, sir.

Q. You were going to keep it until you got a new one?—A. Yes, sir.

Q. You didn't know whether you would be one year or ten years?—A. No, sir.

By Mr. MALLEY:

Q. You knew pretty well that your sister was intending to come into town?—A. Yes, sir.

Q. And you intended to go with her as soon as she got in?—A. Yes, sir.

By Mr. MORAN:

Q. You did not know where she was going to?—A. No, sir; and I am sure I did not want anyone to go to the room for me.

PATRICK HIGGINS, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Patrick Higgins, 58 Auburn street; age, about 44 years; occupation, engineer, water department.

Q. Water department of the city of Boston?—A. Yes, sir.

Q. How long have you been an engineer for the water department?—A. Ten years next June.

Q. When were you naturalized?—A. I think it was in 1886 or 1887.

Q. Who were your witnesses at that time?—A. John O'Rourke and Michael McHugh.

Q. Where did McHugh live at that time?—A. He is now dead. He lived on Nashua street, I think.

Q. Where did John O'Rourke live?—A. He lived on Billerica street.

Q. Are you a member of the Hendricks Club?—A. Yes, sir.

Q. You were a witness for Winn's naturalization?—A. For Thomas B. Winn.

Q. You were not a witness for the other at all?—A. No, sir.

Q. Were you a witness for any of the others who have testified to-day?—A. Yes, sir; I was a witness for Dominick Hart who got a little confused. He got somewhat confused on his witnesses. I was one of them.

Q. He did not know anything about them?—A. Probably he got a little rattled and confused. I may be before I get off the stand.

Q. You have had quite an experience as a witness?—A. This is the second time in my life in a United States court room.

Q. You have had quite an experience as a witness for naturalization, have you not?—A. These people whom I knew I always considered that it was my duty to go as a witness for.

Q. To the naturalization of how many people have you been a witness according to the records of the United States court?—A. There may be probably, since I became a citizen, one or two each year. There may possibly have been none some of these years.

Q. That is, an average of two a year for eighteen or nineteen years?—A. I would not be positive on that question.

Q. That is your contribution to the success of the Hendricks Club, I assume?—A. Well, I don't know how you put that question.

Q. Well, was it or was it not?—A. The Hendricks Club, to my mind, had nothing to do with it. When a friend of mine asks me to go with him as a witness, and I have known him five, six, or seven years in the country, I consider it a favor, and so does the friend, for me to go to the United States court to have him naturalized; let him live in Somerville, Dedham, or whatever part he did live in.

Q. The fact that you were a member of the Hendricks Club, and you were naturalizing the Democrats, had nothing to do with your accommodating a friend at all?—A. I claim that the whole was an accommodation to the friend.

Q. Yes; but if you could, you would have gone and naturalized 20 or 30 Republicans?—A. I never went at it wholesale. I went to those people whom I knew and nobody else.

Q. Did you ever attend a meeting of the Hendricks Club when the subject of naturalization was brought up?—A. Well, in all organizations of the kind—

Q. Did you at a meeting of the Hendricks Club hear that subject discussed?—A. The subject of naturalization?

Q. Yes.—A. Not at a meeting of the club, I think.

Q. Well, at a gathering of the members?—A. It may be at a meeting of the ward committee, of which I never was a member. Then it might have come up there.

Q. Were you there?—A. No, sir.

Q. Never was the subject of naturalization talked with you, either by the Hendricks Club or by the ward committee?—A. Yes; I have heard it.

Q. Who was talking of it?—A. I don't know.

Q. Mr. Lomasney or Mr. Cuddy never spoke of it?—A. I can't say as to them more than anybody else.

Q. Can you say about them as much as anybody else?—A. Yes, sir.

Q. They were talking it as much as anybody else?—A. Probably they were.

Q. Who paid the fees for Dominick Hart?—A. Dominick Hart paid \$2 to my recollection.

Q. You never paid any fees yourself, did you?—A. No, sir.

Q. You never got any fees from the Hendricks Club to get witnesses naturalized?—A. There may have been some years when the city committee had so much money to expend in matters of that kind that probably some bills were paid.

Q. Then some of these witnesses did not pay their own fees, some of the witnesses

to whose naturalization you were a witness?—A. Most all of them did; had to pay their own money for naturalization fees.

Q. How long have you been a member of the Hendricks Club?—A. Oh, about twelve years, I suppose.

Q. The headquarters of the Democratic ward committee in Ward 8 is at the Hendricks Club, is it not?—A. Yes.

Q. Are you a married man?—A. Yes.

Q. Do you run the house at No. 58 Auburn street?—A. My partner. My cousin Thomas runs the remaining part. It is a two-family house.

Q. How many boarders do you keep?—A. I keep no boarders.

Q. How many lodgers?—A. Two lodgers last spring. Two men hired a room last spring.

Q. Do you keep them yet?—A. No, sir; they are not there now.

Q. Did you ever have any talk with your brother Thomas about assessing men?—A. He takes no part in that.

Q. Did you ever have any talk with your brother Thomas about assessing men?—A. No, sir.

Q. Was it you that gave the names of the Winn boys to the assessors?—A. No, sir; I suppose my wife did.

Q. Do you know who it was?—A. I suppose my wife.

Q. Do you know who it was?—A. I don't know; no sir.

Cross-examination by Mr. MORAN:

Q. Do you remember Mr. Conry, the Congressman, being down at the Hendricks Club to make a speech a few years ago?—A. Yes, sir.

Q. I suppose that as usual he made a good speech?—A. I suppose it was as good as he used to make at that time. He may have improved since then.

Q. The Hendricks Club was supporting him at that time?—A. Certainly.

Q. And however bad it was, or good it was, he was approved of?—A. We were all very good boys.

Q. And they have not changed any since Mr. Conry was down there?—A. I don't think they have in complexion or otherwise.

By Mr. MALLEY:

Q. When was Mr. Conry down there making a speech?—A. I could not give the exact date.

Q. How many years ago was it?—A. To my recollection I think I saw the gentleman there once making a speech.

Q. When was that?—A. Oh, the first year, I think, that he ran for Congress.

Q. He was the regular Democratic candidate at that time, was he not?—A. Yes, sir.

Q. That was the headquarters of the regular Democratic organization, was it not?—A. Yes, sir.

Q. Will you swear that you saw Mr. Conry at the Hendricks Club since the year 1896?—A. 1896?

Q. 1896—seven years ago?—A. Well, no, my recollection on that point is such that I can not swear to it.

Q. You were all very good boys at that time—in 1896, were you not?—A. We were all very good boys when we supported him for Congress; yes.

Q. You were all very good boys until it came out that there was a lot of frauds opposite the Hendricks Club, were you not?—A. I know nothing about frauds.

Q. Do you think you were very good boys when there were 82 men assessed from the house directly opposite the Hendricks Club, when the leader of the Hendricks Club was defending the keeper in court?—A. There might be 182 and it might be legal.

Q. They might be legal, but they might not be good boys.—A. Well, sir, I am here to answer any question.

Q. What did you mean by supporting Mr. Conry for Congress in 1900?—A. In 1900?

Q. Was there a vote passed by the Hendricks Club to support Mr. Conry for Congress in 1900?—A. He received the regular nomination.

Q. Was there a vote passed by the Hendricks Club to support Mr. Conry for Congress in 1900?—A. He received the regular Democratic nomination.

Q. Was there a vote passed by the Hendricks Club to support Mr. Conry for Congress in 1900, the first year he ran?—A. The Democratic organization of the ward of course had to—

Q. Was there a vote passed by the Hendricks Club to support Mr. Conry for Congress the first year he ran?—A. That I can't say.

Q. You know nothing about it?—A. I know the Democratic ward committee was formed—

Q. Did the delegation in the convention support him for Congress when he got the nomination?—A. No, sir.

Q. They opposed him, did they not?—A. Well, I suppose so; yes.

Q. You think so, don't you?—A. Yes.

Q. The organization of the Hendricks Club, which is the headquarters of the regular Democratic ward committee, does not always support the regular Democratic candidates, does it?—A. Most always.

Q. Did it support John F. Fitzgerald, the regular Democratic nominee, for Congress in 1898?—A. Yes, sir.

Q. It supported Hon. James A. Gallivan, an independent Democratic candidate for Congress, did it not?—A. You mean at the caucus?

Q. Yes; and at the polls in 1898?—A. I did not know that Mr. Gallivan went to the polls.

Q. Didn't you know that James A. Gallivan ran at the polls independent for Congress and got 5,000 votes, 2,000 of which were from Ward 8?—A. I stated at the start no doubt I would get a little mite mixed.

Q. You get mixed every time you don't want to answer a question?—A. I want to answer all questions fairly; I want to be fair in all matters.

Q. In 1900 did the regular Democratic organization of Ward 8 support the regular Democratic candidate for street commissioner, James A. Gallivan?—A. My memory is a little mite poor.

Q. In 1898 you supported the same man when he was a regular, and in 1900 you supported the irregular candidate. I am speaking of your club, the Hendricks Club, of which you are a member. That is correct, is it not?—A. I can't say.

Q. Did the Hendricks Club, a regular Democratic organization of Ward 8, support the regular Democratic candidate for clerk of the criminal court last year?—A. Your honor, I am not in duty bound—

The COURT. Answer the question.

Mr. MALLEY. You are not mixed again, are you?

The WITNESS. No.

The COURT. You are not obliged to answer for the whole club.

The WITNESS. No; I do not know.

By Mr. MORAN:

Q. The club has no open vote about supporting anybody, does it?—A. No, sir.

Q. But the Democratic ward committee, when there is a regular candidate, support the candidate?—A. They do.

Q. But sometimes some members of the ward committee refuse to support the candidate?—A. At times.

Q. And you are not a member of the ward committee?—A. No, sir.

Q. So you are telling what you observed, but the Hendricks Club does not vote to support or not to support anybody?—A. No, sir.

Q. And the people down there are fairly intelligent voters in that ward?—A. Yes, sir.

Q. And they have sent some very able men to Congress—Collins and O'Neil?—A. A number of them.

Q. And among them Mr. Conry, who shines above all?

By Mr. MALLEY:

Q. That is, the Hendricks Club never votes on anything. They simply instruct Mr. Lomasney to cast one ballot?—A. There is not—

Q. You need not answer that question unless you wish to. Did you say that the people of Ward 8 were very intelligent people?—A. A majority of them are intelligent—

Q. Do you think the precinct officers are very intelligent down there?—A. I can account for the Democratic end of them that they are as intelligent a body as you will find in almost any ward in Boston, the Democratic end of them.

Q. Who is the particularly intelligent Democratic precinct officer that you would select at this time?—A. Well, there was a number of them.

Q. You live in precinct 5, don't you?—A. Yes, sir.

Q. Who is the particularly intelligent precinct officer in that precinct?

Judge DEAN. When, Mr. Malley?

Mr. MALLEY. At the last election.

The WITNESS. The last election? Well, now, I don't know.

Q. Do you know the name of any precinct officer in precinct 5?—A. I don't know that I do, to tell the truth.

Q. You don't know the name of any of them?—A. No.

Q. You said sometimes the ward committee splits on one candidate or another?—

A. I don't think I made that statement.

Q. You don't find a number of the Democratic ward committee of Ward 8 that do not agree unanimously?—A. They all vote as a unit.

Q. And the moment they dissent, they cease to exist, don't they?—A. They act together.

Mr. MALLEY. Dominick Hart, will you bring your papers with you Wednesday?

Mr. HART. Yes, sir.

Mr. MORAN. The naturalization papers they want.

Mr. CAMPBELL. I would inquire whether the subpoenas of Harry Brown and Thomas Feeney are in?

Mr. MALLEY. We have not offered those subpoenas.

(Adjourned to Wednesday, March 18, at 1 o'clock p. m.)

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 63 pages, is a true and correct record of the testimony and proceedings in the contested election case of Joseph A. Conry against John A. Keliher, before me on March 16, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein described.

JOSEPH H. BARNES, JR.,

Special Justice of East Boston District Court.

MARCH 16, 1903.

JOSEPH H. BARNES, JR.,

Special Justice of East Boston District Court:

On behalf of Joseph A. Conry, contestant in a contested Congressional election case against John A. Keliher, returned member from the Ninth Massachusetts Congressional district, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court, on Meridian street in East Boston, within said district, to the following-named witnesses, whose names and addresses are herewith submitted, for examination, March 23, 1903, at 1 p. m.:

Edward F. Gaskins, 55 Dale street, Boston, Mass.; Orlando B. Lalor, police station 3, Joy street, Boston, Mass.; Arthur W. Wyman, 27 Paul Gore street, Boston, Mass.

JOSEPH A. CONRY,

By his Attorney, CHARLES F. M. MALLEY.

MARCH 11, 1903.

JOSEPH H. BARNES, JR.,

Special Justice of East Boston District Court:

On behalf of Joseph A. Conry, contestant in a contested Congressional election case against John A. Keliher, returned member from the Ninth Massachusetts Congressional district, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court, on Meridian street in East Boston, within said district, to the following-named witnesses, whose names and addresses are herewith submitted, for examination March 18, 1903, at 1 p. m.:

Simon Goldberg, 6½ Milton street, Boston, Mass.; Jacob Barber, 13 Willard street, Boston, Mass.; I. F. Reuben, 24 Temple street, Boston, Mass.; Max Stone, 85 Lowell street, Boston, Mass.; Thomas P. Feeney, 155 Leverett street, Boston, Mass.

JOSEPH A. CONRY,

By his Attorney, CHARLES F. M. MALLEY.

NINTH DAY.

EAST BOSTON, *Monday, March 23, 1903.*

Mr. HARRINGTON. I ask the court to produce the requests for subpoenas for witnesses that were called for last Wednesday, and also those that were called for to-day.

(Papers marked Ex. 144 and 145.)

I also call for the notice to John A. Keliher and his witnesses to be called to-day. Ex. 146 (production waived).

Mr. Harrington then called the following witnesses by name: Arthur W. Wyman, Orlando B. Lawler, Edward F. Gaskin, Max Stone, Moses I. F. Rubin (not present), Jacob Barber, Simon Goldberg, Dominick Hart. These witnesses were sworn.

ARTHUR W. WYMAN, sworn:

By Mr. HARRINGTON.

Q. What is your full name?—A. Arthur W. Wyman.

Q. What is your business?—A. Police officer of station 3.

Q. What is your particular line of duty?—A. I am patrolman.

Q. Are you doing the regular patrol work now?—A. Yes, sir.

Q. In uniform?—A. Yes, sir.

Q. Where is your route?—A. I travel on Green street.

Q. Does that include Pitts street?—A. No, sir; I pass the head of Pitts street.

Q. Are you acquainted with Pitts street?—A. Yes, sir.

Q. Have you ever done duty on Pitts street?—A. I have; yes.

Q. For how many years?—A. Oh, I did duty on Pitts street seventeen or eighteen years.

Q. When was the last time you did duty on Pitts street?—A. I have not been on that route, on Pitts street, for three or four years.

Q. Are you familiar with the people in 26 Pitts street?—A. Yes, sir.

Q. What is the name of the parties that dwell there?—A. Shanahan.

Q. Do you know as to their general reputation for morality and veracity? Are they people of good morals?—A. They do not have the reputation of that, sir.

Q. Have you ever had occasion to call at 26 Pitts street in the line of your official duty?—A. I have been there; yes, sir.

Q. What was the reason for that call?—A. I have not been in 26 Pitts street for quite a number of years, but I know that—

Q. Do you know of any officers going to 26 Pitts street in the line of their official duty within the past year or two?—A. I don't know as I do.

Q. What is the general reputation of the house, 26 Pitts street?—A. Well, I should say it was bad.

Q. Bad in what respect?—A. Well, 26 Pitts street is a house known as a—I don't know hardly how to answer that question.

Q. Well, is it bad morally, or is it notorious as a kitchen barroom?—A. It never had a very good reputation for quite a number of years.

Q. Either for the sale of liquors or otherwise; do women frequent the place?—A. Yes, sir.

Q. Is it a house of assignation?—A. No, sir; I don't know as I should say it was a house of assignation. I should say it was a place where they sell beer; Salicaliga beer.

Q. Have they sold any other beer?—A. No, sir; not of late years.

Q. Do you know of any other crimes having been committed at 26 Pitts street, other than women going there?—A. I don't know as I can say I have lately.

Q. What is the reputation of the women that frequent this house for morality and chastity?—A. Well, they are bad.

Q. They are bad?—A. Yes, sir.

Q. Do you know John C. Hines?—A. John C. Hines?

Q. Yes.—A. Yes, sir; I do; John C. Hines.

Q. How many other names do you know him under?—A. I always knew him by the name of "Scotty."

Q. Did you ever know him by the name of Arnold?—A. I was told once that is his name, John Arnold. His right name is John H. Hines.

Q. What is his general character?—A. Well, his general character is bad.

Q. Do you of your own knowledge know as to whether there is a warrant out for his arrest at the present time or not?—A. There is; yes.

Q. For what complaint?—A. For violation of the election law.

Q. Is there any other warrant out for him that you know of at the present time?—A. Not to my knowledge. I say for violation of the election law. I suppose that is what it is for.

Q. Did you arrest him on election day?—A. No, sir; I did not.

Q. Have you ever arrested him?—A. Well, I can't say as I ever did.

Q. Were you the prosecuting officer when Hines was arrested?—A. No, sir.

Q. Has that warrant that you say is out for him for illegal voting ever been served?—A. No, sir; not unless it has been served to-day.

Q. Do you know whether he has ever been in court for illegal voting?—A. Yes, sir.

Q. Do you know the disposition of that case at the present time?—A. Yes, sir.

Q. What has been done with that case?—A. If you will allow me to look at a book here?

Q. You may refresh your memory from anything in your office.—A. I beg pardon, are you talking of the superior court or the municipal?

Q. The superior court.—A. I will have to commence at the lower court to tell you when he was arrested. [Looking over book.] He was arrested Saturday, December 20, under the name of John Arnold.

Q. For what offense?—A. Violation of the election law.

Q. What year?—A. 1902.

Q. When did he violate the election law, as alleged in that complaint?—A. Tuesday, November 4, 1902.

Q. Was that a Congressional election in the Ninth Massachusetts district?—A. Yes, sir.

Q. What has been done with that case?—A. He was arrested on the 20th of December, 1902. The case was continued until December 24, and he was held under bonds. December 24 he was tried in the municipal court of the city of Boston, found guilty, and sentenced to three months in the house of correction. He appealed.

Q. When did it next come up in the superior court? Has it ever been tried in the superior court?—A. January 20 and 21.

Q. Was he tried?—A. March 19 he was called and defaulted in the superior court.

Q. Of this year?—A. Yes, sir.

Q. Were you present Tuesday, November 4, 1902, when Hines attempted to vote?—A. Yes, sir.

Q. What ward?—A. Precinct 5, Ward 8.

Cross-examination by Mr. MORAN:

Q. How long have you been on the police force, Mr. Wyman?—A. I have been on since January 10, 1881.

Q. Who is your captain at present?—A. Captain Gaskin.

Q. And was he your captain in November last?—A. Yes, sir.

Q. How many years since you have been at 26 Pitts street?—A. Well, I won't say positively, but I think it is as much as five or six years ago the last time I went there, in that house.

Q. How long is it since you have been performing duty on the street on which that house is?—A. Well, I performed duty at the end of the street—

Q. I say on the street; not on the end of it?—A. Well, I have not been on that street, not on that route, for four or five years, I think. Perhaps I have; I will correct myself. There might have been nights that I have been on that route.

Q. But you have no memory of such nights?—A. Yes; I have been on there a few hours each night, but each officer has his route.

Q. Has that been your route for four or five years?—A. No, sir.

Q. But might once or twice each year have been on that route for one night?—A. Yes, sir. I have been through the street many times when I have not been on duty, or have been on duty and walked up and down the street to investigate a case or anything of that kind.

Q. You don't know who lives in that house, do you?—A. Yes, sir.

Q. Who does live there, of your own knowledge?—A. Mr. and Mrs. Shanahan and two sons; and there was a man by the name of Skinner lived there until a short time ago. I don't think he is there at present; and one other man, an old gentleman, I have seen in the house. I don't know his name.

Q. When did you see him there?—A. Perhaps five or six months ago I saw him there, but I don't know his name.

Q. Were you in the house then?—A. No, sir.

Q. Have you been in the house for five or six years?—A. I don't think I have.

Q. How many times in the past three years have you been by that house—walked by it?—A. Perhaps fifty or seventy-five times.

Q. Were these times day or night?—A. Both day and night.

Q. Have you at any of these times stopped there, or did you merely walk by?—A. I have stopped there by the door and around the door.

Q. How many times in the past year have you stopped there?—A. I can't remember only one time.

Q. When was that?—A. It was a few days after the State election. I went down to 26 Pitts street one evening.

Q. How many days after the State election?—A. Three, four, or five days.

Q. Did you go down there looking for somebody?—A. Yes, sir.

Q. Who was the man you were looking for?—A. John H. Hines.

Q. How many days after the State election of 1902 was it that you went there looking for Hines?—A. I won't be positive; it might be two days or five or six.

Q. Did you have a warrant for him?—A. No, sir.

Q. Did you ever have a warrant for Hines after the State election?—A. I saw a warrant.

Q. When did you first see it?—A. I was in the court the day it was granted.

Q. When was it granted?—A. It was granted about a week after the State election.

Q. Who was in the court with you at the time?—A. Sergeant Hyland.

Q. Where does he live?—A. I don't know.

Q. No idea where he lives?—A. You will find him in station 3.

Q. That is where he is located in his business as a police officer?—A. Yes, sir.

Q. He does not live there?—A. No, sir; he lives in East Boston, I think.

Q. He went with you to get the warrant for Hines?—A. Yes, sir.

Q. Who swore to the warrant?—A. Sergeant Hyland.

Q. Sergeant Hyland swore to it?—A. Yes, sir.

Q. We will leave that subject for a while. Aside from that one time—a few days after the State election of 1902—did you at any other time within the past year pass this house, 26 Pitts street?—A. No, sir; I don't think I did.

Q. Did you at any time within the past year, other than this one time that you went there a few days after the State election, stop at that house and not go in?—A. I might have stopped a number of times.

Q. Have you any recollection of stopping during the past year?—A. Yes, sir.

Q. When was that?—A. I can't tell you the date.

Q. About how long ago was it?—A. Oh, perhaps six or eight months ago.

Q. How long did you stay outside of the house at that time?—A. Just a few moments.

Q. Did you see anybody who lived in the house at that time?—A. Yes, sir.

Q. Who was it?—A. I saw William Shanahan.

Q. He lived in the house?—A. Yes, sir.

Q. Did you see anybody else at that time?—A. I think I saw his mother, Mrs. Shanahan.

Q. Did you see anybody else?—A. I don't remember that I did.

Q. You did not go into the house that day?—A. No, sir.

Q. Did you go into the house the day you went there a few days after the State election of 1902 to find Hines?—A. No, sir.

Q. Have you been inside the doors of that house during the past year?—A. I don't think I have.

Q. Aside from hearsay, how are you able, if you were never inside of the house during the past year, to tell who lived there the past year, excluding the knowledge you have of hearsay?—A. Well, I often saw Mr. Shanahan—that is, the old gentleman; and I often saw Mike and I often saw William.

Q. How would you know but what Michael Jones lived there during the whole of the past year?—A. He might have lived there.

Q. How would you know but James W. Smith lived there during the whole of the past year?—A. I don't know.

Q. How would you know but Jas. W. Smith lived there during all last year?—A. I don't know.

Q. So that if I read to you from the assessor's list the names of persons assessed from that house you would not know whether they lived there or not, would you?—A. No; I don't know as I would.

Q. All right. Why did you go to the court-house about a week after the State election of November 4, 1902, with Sergeant Hyland?—A. Because I was told to by my superior.

Q. Who told you to?—A. I think that day that I went—Sergeant Hyland told me to.

Q. Who else told you to?—A. Previous to that time Captain Gaskin told me.

Q. When did Captain Gaskin tell you with reference to the day that you should go to the court-house with Sergeant Hyland?—A. On election day.

Q. On election day?—A. I made a report to Captain Gaskin.

Q. Have you got that report with you?—A. No, sir; I can tell you what it was.

Q. What?—A. I can tell you what it was.

Q. Has Captain Gaskin got it here?—A. I think not.

Q. What?—A. I don't know.

Q. Were you directed by Captain Gaskin to make a complaint against Hines?—A. In consequence of a—

Q. Answer my question. Leave out the consequence part. Were you directed by Captain Gaskin to make a complaint against Hines?—A. Yes, sir—no, sir; I was not.

Q. You were not?—A. I was not.

Q. How long had you known Hines before election day?—A. Five, six, or seven years.

Q. How well had you known him?—A. I knew him quite well.

Q. How well?—A. Oh, well; I had seen him four, five, and six months out of a year for the last five or six years.

Q. How well did you know him aside from seeing him so often?—A. Well, I knew him by sight, and knew his name as Scotty. I knew his reputation and what he did, and where he stopped, etc.

Q. What was his reputation as you knew it on election day, November 4, 1902?—A. I said it was bad.

Q. But as you knew it at that time?—A. As I have known it four or five years.

Q. Had he the reputation of being a crook?—A. No, sir.

Q. Had he the reputation of being a thief?—A. No, sir.

Q. Had he the reputation of being a perjurer?—A. No, sir.

Q. An election crook?—A. No, sir.

Q. Had he a bad reputation?—A. Yes, sir.

Q. For what?—A. He was drunk the biggest part of the time.

Q. Then he had a reputation as a drunkard?—A. Yes, sir.

Q. Had he been arrested?—A. Yes, sir; he had.

Q. Then you knew what his reputation was?—A. Yes, sir.

Q. What name did you know him by November 4, 1902?—A. By the name of Scotty.

Q. What other name?—A. No other name.

Q. Ever heard of him being called by any other name?—A. No, sir.

Q. Had you any reason to believe it was any other name?—A. Yes, sir.

Q. What did you suppose was his name on November 4, 1902?—A. I knew when I heard him say his name was the name that he voted on anyway—

Q. What name was that?—A. I had no reason to believe it was not his name. He gave the name of William J. Kelley, of 387 Charles street.

Q. And you knew that was his name, didn't you?—A. I did not positively at the time, but I had good reasons to believe it.

Q. Were you not told that it was not his name?—A. Where—in the election booth?

Q. Anywhere.—A. Yes, sir; I was told that.

Q. Who told you it was not his name?—A. Mrs. Shanahan told me, 26 Pitts street.

Q. When did she tell you with reference to election day?—A. The time that I told you I went to her house and spoke to her.

Q. That was after election day?—A. Yes, sir; after election day.

Q. Did anyone tell you on election day what his name was?—A. No, sir.

Q. Did you testify in court in relation to him since election day?—A. Yes.

Q. In the municipal criminal court?—A. Yes, sir; I did.

Q. Were you in the booth at the time he voted?—A. Yes.

Q. Who else was in the booth at the time he voted?—A. Officer Laylor and myself.

Q. Any other officer?—A. No, sir.

Q. What men were in there other than you two officers and the man that was doing the voting?—A. Well, there were six, seven, or eight precinct officers, and I think there were one or two men voting in the stall beside him. I won't be positive, but I am pretty sure there were one or two other men.

Q. Did you see this man at the time he came into the booth?—A. I did; yes, sir.

Q. Did you hear the name he gave?—A. Yes, sir.

Q. Did anybody tell you that is not his name?—A. No, sir.

Q. Did not some one cry out, "Look out for that man, Mr. Officer?"—A. No, sir.

Q. Did you hear just before you heard Mr. Malley say "No"—A. I beg your pardon.

Q. Did you hear Mr. Malley say "No" just before you answered?—A. I was not looking at him.

Q. Didn't you hear what he said?—A. No, sir.

Q. Have you been looking at him at all?—A. Perhaps so, but I did not know who the gentleman was.

Q. Have you been guided by anything he has done in answering?—A. No, sir; you are the only man that I know in the bar—Mr. Kiley and yourself.

Q. Mr. Kiley?—A. Mr. Cuddy—I beg your pardon.

Q. Was there anything said when he came into the booth?—A. Yes, sir.

Q. What was it?—A. By anybody?

Q. By anybody.—A. When Hines came in, as he passed me I was standing with my back against a window which was a little open—

Q. Your back was up against a window and the front of your body toward him?—A. Yes, sir.

Q. As he passed you by?—A. As he passed me by I heard a voice behind me; I can't say who it was.

Q. What was it?—A. He says, "Wyman, you know that man; do your duty."

Q. Was not that information to you that the man was proposing to vote a fictitious name?—A. At that moment I could not tell who that man was if I was to be hung.

Q. Wasn't that notice to you?—A. I thought so; yes, sir.

Q. Who was the man who told you, "Wyman, you know that man; do your duty?"—A. I don't know.

Q. Why didn't you do your duty?—A. I did do it.

Q. Did you arrest him?—A. No, sir.

Q. Why didn't you?—A. I didn't know that I had a right to.

Q. Didn't you know that the man was voting illegally, and that you could arrest him without a warrant?—A. Yes, sir; I was not positive but what he was telling the truth about his name.

Q. Didn't you have that notice there?—A. Yes, sir.

Q. "Wyman, you know that man. Do your duty?"—A. Yes, sir.

Q. At that time you could hear the name he gave?—A. I could not say.

Q. Were you not near enough to hear it?—A. I heard it.

Q. Was not the man behind you near enough to hear it?—A. I could not say.

Q. He must have heard it, to give you that warning.—A. I did not think he spoke to me at all. I heard this voice behind me.

Q. You heard also the name that Scotty gave?—A. Yes, sir.

Q. You never knew him by that name, did you?—A. No, sir.

Q. You knew that he did not live at 387 Charles street?—A. I did not know it.

Q. Didn't you know where Scotty lived?—A. I knew where I used to see him the biggest part of the time. I knew where I saw him.

Q. You supposed he lived at Mrs. Shanahan's on Pitts street?—A. I did not suppose any such thing.

Q. Where did you suppose he lived?—A. I supposed he lived at 11 Pitts street.

Q. How long did you suppose he lived before election day at 11 Pitts street?—A. He always did to my knowledge.

Q. How long did he live at 11 Pitts street?—A. He has been around there four or five years, I should say, off and on.

Q. How long have you known William J. Kelley?—A. William J. Kelley?

Q. Yes.—A. About since the 1st of December.

Q. Last December?—A. Yes, sir.

Q. Didn't know him before election day?—A. No, sir.

Q. Did you look around when the man said "Officer, you know that man. Do your duty?"—A. I did.

Q. Who was the man?—A. I could not tell you.

Q. Did you see any man there?—A. Yes, sir; there were lots of them.

Q. Was there any man near to you whom you supposed was the man that gave you the notice?—A. No, sir.

Q. How near was the nearest man to you?—A. Well, they were at perhaps 5, 6, 8, or 10 feet out on the street and on the sidewalk, and I was in the booth.

Q. Was not the voice that you heard saying "Officer, you know that man; do your duty," didn't that seem to be close to you when you heard it?—A. Yes, sir.

Q. Did you look around immediately, or wait until after that man voted?—A. I looked to see who was coming in.

Q. In where?—A. Into the door at the time.

Q. Who was coming in?—A. John H. Hines.

Q. You knew that Hines was not Kelley, didn't you?—A. No, sir.

Q. Did you suppose that he was Kelley?—A. No, sir.

Q. You believed his name was not Kelley?—A. Yes, sir.

Q. Then if you believed that, and heard him announce his name as William J. Kelley, 387 Charles street, why didn't you arrest him, knowing that he could not vote under a name not his without violating the law?—A. I will tell you. I was kind of halting between two opinions. I did not know hardly what to do, but finally after he voted and put his ballot in the box I says to myself, I guess I will go out and get that man. He went out of one door and I another, and he had disappeared and I could not find him.

Q. You made up your mind you would arrest him after he had gone?—A. Oh, well—

Q. It took him three minutes to vote, didn't it?—A. No; I don't think it took him half a minute.

Q. Why didn't you try to stop him if you knew that his name was not Kelley, as you told us? You said you heard him announce Kelley as his name, and you heard the warning behind you—"Wyman, you know that man; do your duty?" Why

didn't you arrest him?—A. I think I made the remark that I could not swear it was Kelley or not.

Q. Tell me why you did not arrest him then instead of waiting until after he had got out?—A. I said that I was not positive whether his name was Kelley or not.

Q. When did you make up your mind to arrest him?—A. After I went and reported it to my captain and he told me.

Q. I thought you said you started out to arrest him when he started through one door?—A. I did. He went through one door and I through another.

Q. What did you go after him for?—A. To find out his name.

Q. Did you think after voting on one name that he would confess to you?—A. Yes, sir.

Q. You thought you knew him so well that he would confess that Kelley was not his name, did you?—A. I made up my mind that it would not be any trouble to get him afterwards. I could get him at any time.

Q. Why? Where did you suppose you would get him afterwards?—A. I would get him round where he always hung—around his place, 11 to 15 Pitts street and around Green street.

Q. You knew Scotty so well that when he started out the door and you started out you were merely going out to get him to confess?—A. No, sir; not at all.

Q. Then when you started through one door and he another, did you start to arrest him for illegal voting?—A. Yes, sir.

Q. Then you would have arrested him?—A. I think I should; yes.

Q. Now, you did not have any information about him except the information that you had about him at the time that he deposited his ballot, did you?—A. I did not have any information about him.

Q. You did not have any more information about him when you started to catch him than you had when he started to deposit his ballot, did you?—A. I don't know as I did.

Q. Then when you made up your mind to arrest him you felt that you had sufficient evidence against him to take him to court, didn't you?—A. I beg your pardon; I don't understand.

Q. When you started out the door as he went out the door you felt that you had evidence enough against him for illegal voting to warrant you in making the arrest and taking him into court, didn't you?—A. Yes, sir.

Q. You had all that evidence in your mind before he cast his ballot?—A. I don't know as I did.

Q. How much information did you get about him after he gave the name of Kelley, and after this man outside said to you: "You know that man, Wyman; do your duty?"—A. I knew the man—

Q. How much more evidence did you get about him after those two things happened?—A. I got a good lot.

Q. From whom?—A. Different persons.

Q. Before you went out of the booth?—A. Oh, no, sir.

Q. That is what I am asking—before you went out of the booth to make the arrest did you get any information about him other than what you got from this language from the person outside?—A. No, sir.

Q. And the name announced by him, Kelley?—A. No, sir.

Q. So that all the evidence you had when you started out of the booth to arrest him you also had before he cast his ballot, didn't you?—A. Yes, sir.

Q. Now, then, if you had evidence enough to warrant you when he got through voting to arrest him, you had evidence enough to arrest him before he cast his ballot, didn't you?—A. Yes, sir.

Q. Why didn't you do it, then?—A. He didn't give me a chance to.

Q. Oh, he voted too speedily for you?—A. Yes, sir.

Q. And that is the only reason?—A. Yes, sir.

Q. The only reason that you did not arrest him in the booth was that you did not have the chance to do it?—A. No, sir.

Q. Why didn't you tell me?—A. Because there was something else I wanted to explain.

Q. Do you now say that was your reason, or it was not?—A. I intended to let him vote and then arrest him.

Q. Why did you intend to let him vote when you knew it was a criminal offense to secure the ballot?—A. I told you I was not positive what his name was.

Q. All right; but you got rid of that idea because you started to arrest him by going out after him?—A. Yes, sir.

Q. And you had all the evidence about him before you went out to arrest him? Now, why didn't you arrest him in the booth, and before he voted?—A. I never go behind the rails for any business.

Q. Would you not have the right to go behind the rails to arrest a man who was illegally voting?—A. Yes, sir; I think I would.

Q. Then that was not the reason, was it? What was your reason for not arresting him before he voted after he had announced his name and got his ballot?—A. I don't know as I can answer that question.

Q. You are an intelligent officer, and have been on the force long enough to get up an answer to any ordinary question.—A. I told you I intended to arrest him.

Q. Why didn't you arrest him?—A. I could not get hold of him.

Q. Why didn't you get hold of him inside the booth?—A. I might not have got him before he voted; it might have been cast.

Q. Was that what you were thinking about?—A. He might have done it very easily.

Q. He might have done it very easily?—A. It might have been.

Q. Was that the reason you did not attempt to arrest him inside the booth?—A. No, sir; it was not.

Q. Now, what was the reason you did not arrest him inside the booth?—A. Well, I told you, Mr. Moran, in the first place, that I was not positive what this man was.

Q. Yes; but you said afterwards that you made up your mind that he was wrong, and that you went out to arrest him—and you had just as much information before as then. Now, if you had a right to arrest him after he voted, and also before, I want to know why you did not arrest him while you had a good chance to do it before you let him get up and go away?—A. I tried to arrest him.

Q. Oh, you did that afterwards, I know.—A. Yes.

Q. Did you go up to the court next morning and make out a complaint against him?—A. No, sir.

Q. Or the following morning?—A. No, sir.

Q. Or the morning after that?—A. No, sir; I went after that. I went about a week after.

Q. Four mornings you didn't do anything. Isn't it part of your duty, as you understand it, when you see a crime committed, to arrest the man as much as to commit him?—A. Sometimes.

Q. Is it not always your duty? You understand you are to arrest a man when he is violating law?—A. Not always.

Q. What crimes are you instructed to overlook and not arrest for while the crime is being committed?—A. There is a number we have to get warrants for.

Q. Is the violation of the election law one of the crimes you are instructed not to arrest for while the crime is being committed?—A. No, sir.

Q. Have you ever been told by any captain or election commissioner not to arrest while a man was violating the election law?—A. No, sir.

Q. You have been told by officers to enforce all the laws?—A. Yes, sir.

Q. Has any complaint been made of you for not arresting when a crime was committed against the election law?—A. No, sir.

Q. Don't you think it is about time that complaint was made against you?—A. No, sir.

Q. You did not make the arrest until Sergeant Hyland was called into the case?—A. No, sir.

Q. You did not start to complain?—A. No, sir.

Q. Or make the arrest under the complaint?—A. No, sir.

Q. You did not have charge of the case in the lower court?—A. No, sir.

Q. You were merely a witness on subpoena?—A. Yes, sir.

Q. Do you know why your superior officer should take away from you the right to make a complaint and prosecute it?—A. No, sir.

Q. Didn't you believe that it was because you were in collusion with the criminal?—A. No, sir.

Q. Were you in collusion with the criminal?—A. No, sir.

Q. Have you talked with Mr. Conry since that time?—A. I have; yes, sir.

Q. When did you talk to Mr. Conry?—A. I don't remember when it was.

Q. When was it?—A. A short time after the man was arrested.

Q. When was he arrested?—A. December 20.

Q. A month and a half after election day?—A. Yes, sir.

Q. But you have not arrested him?—A. No, sir.

Q. Where did you see Mr. Conry?—A. In his office.

Q. How did you happen to go to his office?—A. There was a man told me that Mr. Conry wanted to see me.

Q. Who was that man?—A. I think his name was Porter; I won't be sure.

Q. Who is Porter?—A. A man that used to live in the West End.

Q. Where does he live now?—A. I could not tell you.

Q. Where did he live when last you knew him?—A. On Staniford street.

Q. What was his business?—A. I can not say.

Q. What was his business any time you knew him?—A. I think he was interested in newspaper business of some description.

Q. What newspaper business?—A. I can't say—reporter.

Q. Is it the Herald or Globe?—A. I don't know.

Q. The Post or Traveller?—A. I don't know.

Q. Advertiser, Transcript, or Record?—A. I don't know.

Q. What paper did you think he was on?—A. I don't know.

Q. Whether he was on the Republic?—A. I don't know; it might have been the Police News.

Q. What paper did you suppose he was connected with?—A. I never supposed anything about it.

Q. Why did you think he was connected with a newspaper?—A. I have been told so.

Q. Who told you so?—A. I can't say.

Q. What was Porter's first name?—A. I could not say.

Q. How long have you known him?—A. I've known him by sight a number of years.

Q. What is his business?—A. I have tried to tell you.

Q. That is what you say he used to do.—A. I can't say; I suppose he is doing the same business.

Q. What is his residence?—A. He used to live in Stanford street, but I don't think he is there now.

Q. What number?—A. I can't say—92 or 94. It was near Leverett street.

Q. When did you see Porter with reference to calling on Mr. Conry?—A. I met him one night on Green street.

Q. Were you on duty at the time?—A. Yes, sir.

Q. What did he say to you?—A. He said Mr. Conry would like to have me call up to his office.

Q. On precinct 2, Ward 8, voting list, there appears the name of Harris C. Porter, jr., of No. 94 Stanford street.—A. Yes, sir.

Q. Is that the man?—A. I think he is; yes, sir.

Q. How old a man is he?—A. I should judge 30 or 35.

Q. There is living in the same house a man named Harris C. Porter, who is evidently the father of Harris C. Porter, jr.?—A. I would not be positive.

Q. Which one was it you were talking with, the older or younger?—A. I can't say. He was 30 or 35 years of age.

Q. Do you know the older Porter?—A. No, sir. It might be the son.

Q. If he is 30 or 35, he can't have any sons of voting age. Well, now a man about 34 years of age, you say? What did he say to you?—A. He said Mr. Conry wanted me to call up to his office; he wanted to see me.

Q. Did he say he was directed by Mr. Conry to ask you to call?—A. I won't be positive about that.

Q. What did he say to show his authority from Mr. Conry?—A. I asked him if he knew what he wanted to see me for.

Q. What did he say to you to show that he was authorized to ask you to call at Mr. Conry's office?—A. He did not show anything.

Q. What did he say to indicate he had authority?—A. He did not say he had any authority at all.

Q. Did he say "Mr. Conry asks to see you?"—A. Something to that effect.

Q. Did you ask what Mr. Conry?—A. He said Congressman Conry.

Q. What did he say as to where he wanted you to call?—A. He told me his number. I think it was on Devonshire street.

Q. Did you make a memorandum of it?—A. No, sir.

Q. What day of the month?—A. I could not say.

Q. Was it before or after the arrest of Hines December 20?—A. It was afterwards. I can't say whether it was a week or a month after.

Q. At any rate, it was before the trial of Hines in the lower court?—A. No, sir; after the trial.

Q. And that was December 24?—A. Yes, sir.

Q. Did you go to Mr. Conry's office?—A. I did.

Q. Met him there?—A. Yes, sir.

Q. Meet anyone else?—A. Yes, sir; met Mr. Porter there in the adjoining office.

Q. He has an office there?—A. Well, I don't know about that.

Q. Whose office was Porter in?—A. In the office adjoining Mr. Conry's.

Q. With Porter's name on the door?—A. No, sir.

Q. Did Porter come into the adjoining office during the talk?—A. I don't think he did.

Q. How often had you talked with Porter about this case?—A. I never talked with him in my life.

Q. What did Conry ask you?—A. He asked me in regard to this case, about illegal voting down in the ward.

Q. What did you tell Conry?—A. I told him, as near as I can recollect, about what I said here to-day.

Q. Tell me what you said to him.—A. I told him about the man coming in there.

Q. Tell me what you said.—A. I won't be positive, but I think I said I was on duty in Ward 8, precinct 5, and a few minutes before 4 o'clock in the afternoon there was a man came in there that I had always known by the name of Scotty. He came in and gave his name as Wm. J. Kelley, of 387 Charles street, and voted, and I had every reason to believe, from what I heard at the booth, that he gave a wrong name. I said that afternoon or evening, when I went to the station, I reported the case to my captain, and he called in Sergeant Hyland and told him and me to investigate it, and if I found out this man was not William J. Kelley to go to court and get a warrant for him, and he did so. I think I told him what was done with the man in court. That is all of the conversation I had.

Q. Then you went away from Mr. Conry's office?—A. Yes, sir; I was in there but a very few minutes.

Q. Long enough to tell him what you have just told us, and then you went out?—A. That is all.

Q. Did you give Mr. Conry any reason for not arresting him at the time?—A. Perhaps the same reason I have given you.

Q. No, not perhaps, but did you?—A. I won't be positive I did.

Q. Did you know who Scotty voted for?—A. No, sir; I know he never voted for every name.

Q. What?—A. He did not have time enough to make more than one or two marks on his paper before he got out.

Q. Did he vote for Conry?—A. I could not say.

Q. Or for Witt?—A. I could not say who he voted for.

Q. Could not tell?—A. No, sir.

Q. Well, now, has this man been in the hospital since he appealed his case, December 24?—A. Yes, sir.

Q. Was he assaulted and seriously injured?—A. Yes, sir.

Q. And the man who assaulted him was sent away for three years?—A. Yes, sir.

Q. He was almost killed, was he not?—A. He was pretty near.

Q. Who was that man who assaulted and almost killed him?—A. I could not tell you; I would know the name if I heard it.

Q. Did you know any reason why anybody should assault and attempt to kill him?—A. No, sir; I did not.

Q. There was not any reason given?—A. I did not hear the case at all. I knew the night he was assaulted and I went to investigate it some. After the man was arrested I was not in the room.

Q. What ward did that man come from who committed the assault?—A. I could not tell you, sir.

Q. Was he a Boston man?—A. I could not say.

Q. What other persons have you talked with about the case besides Mr. Porter, Mr. Conry, and your captain?—A. I don't know as I have talked with anyone else.

Q. Have not been up to your lawyer's office?—A. No, sir.

Q. Were you at that precinct all day long?—A. Yes, sir.

Q. On election day?—A. Yes, sir; all with the exception of two hours out of ten.

Q. Was there any other illegal voting that you know of that day at that precinct?—A. Not to my knowledge.

Q. Was there any complaint of any illegal voting that day?—A. No, sir.

Q. Did you know of anybody else who voted under other names that day?—A. No, sir.

Q. Did you know of anyone who had no legal residence down there that day?—A. No, sir.

Q. So that the Hines offense is the only one indicating any offenses committed that day at that precinct?—A. That is all.

Q. That is the only one concerning which you made out any report?—A. That is all.

Q. How long after December 24, the day that Hines appealed, was the assault?—A. Well, I can't tell you.

Q. You can come pretty near it?—A. I don't remember. Let me see. The very night, or the next night after he was in the lower court, I met him on Court street

and he had a bad cut in his head that night. He was assaulted at two different times.

Q. He was assaulted the night of his trial in the lower court, and how soon was the next time?—A. I won't be positive. It was the night of the trial. It was in two or three days.

Q. When was the second time that you sent him to the hospital?—A. Well, that happened—he was in the city hospital sick in February. I can't say what time in the month.

Q. So it was some time between December 24 and the 1st of February that he was assaulted the second time. He did not testify in the lower court?—A. Yes, sir, he did.

Q. Don't you know that he didn't?—A. I know he did.

Q. Did he testify?—A. Yes, sir.

Q. What did he testify to?—A. I don't remember what he testified to.

Q. Did he say he did vote under another man's name or not?—A. He said he did not.

Q. Did he say he was in that booth at all that afternoon?—A. He said he was not.

Q. Did he say he ever gave the name of William J. Kelly in that booth that afternoon?—A. He said he did not.

Q. Who testified that he did besides you?—A. Officer Laylor.

Q. Who besides you and Laylor?—A. No one else.

Q. Did you have any precinct officers in court?—A. Not to my knowledge. No one testified anyway.

Q. But one of the persons who testified for the government was Officer Laylor?—A. Yes, sir.

Q. The only persons who testified for the government to seeing him vote under the name of Kelly were you and Laylor?—A. Yes, sir.

Q. Did he testify that he knew him before election day?—A. He said he did.

Q. How long did he say he knew him?—A. He said he knew him two or three years under the name of Scotty.

Q. If this was a bona fide case against Scotty, why didn't you bring in these precinct officers to corroborate you and Laylor?—A. I didn't think they knew him.

Q. How do you know that?—A. If they knew him they would not let him vote on that name.

Q. Why didn't you secure the presence of the precinct officers whose duty it was to know him?—A. I don't think I can answer that question.

Q. Was this a put-up job on this fellow?—A. No, sir; Sergeant Hyland made the complaint.

Q. Is it not a peculiar thing that Sergeant Hyland is an East Boston man and a friend of Mr. Conry's?—A. Not at all.

Q. You did not arrest him although you knew that, and then when you tried the case you did not bring witnesses besides your two selves?—A. We had enough.

Q. You had enough; yes, in court. How often did you talk it over with Officer Hyland?—A. Once, twice, or three times, perhaps.

Q. Before the warrant was issued?—A. Yes, sir.

Q. And Officer Hyland—the same officer who made the complaint against somebody else in Ward 8 for keeping a lodging house in violation of law, did he not?—A. I think he did.

Q. The same officer?—A. Yes, sir.

Q. Were you concerned in that prosecution too?—A. No, sir; I was not.

Q. Did you talk with Mr. Conry more than once?—A. No, sir.

Q. Or with Porter about it?—A. No, sir.

Q. Have you seen Porter since that day?—A. I saw him on the street the other night and passed the time of day; that is all.

Q. What story did you tell the captain? Was it the same story you told Mr. Conry?—A. The same story I told you. There was but one story.

Q. Had you made a report to Captain Whiting?—A. No, sir.

Q. Or to anybody?—A. No, sir.

Q. Is not that part of your duty?—A. No, sir.

Q. Are you not required to make written reports of crimes committed?—A. No, sir; not always.

Q. What exceptions are there to that requirement?—A. If see a person that I think is violating the law, or anything like that, and I go and tell my captain; I don't think I have to make any written report about it. He may make a report.

Q. That is the way you understand it?—A. Yes, sir.

Q. Now, did you get orders from your captain to make an investigation?—A. Yes, sir.

Q. And did you investigate?—A. Yes, sir.

Q. Where did you go to investigate?—A. The first place I went was down to 387 Charles street.

Q. To see Kelly?—A. To see Kelly.

Q. Did you see him?—A. No, sir.

Q. Where else did you go?—A. I went to a man that I knew knew Scotty.

Q. Who was it?—A. I can't tell you his name.

Q. Where did you find him?—A. In a barroom on Cambridge street.

Q. Working there?—A. Yes, sir.

Q. You didn't know his name?—A. No, sir.

Q. Whose barroom?—A. Mr. O'Brien's, Hotel Boylston, No. 8 and 9.

Q. You went to find out if he knew Scotty?—A. I knew he knew him.

Q. What did you want of him?—A. To find out Scotty's full name.

Q. Where else did you go?—A. Went down Pitts street and looked on the election books and found a name there that was not his name.

Q. Where else did you go?—A I went then to 26 Pitts street and asked Mrs. Shanahan who John H. Hines was. She says, "That is Scotty." I says, "All right." That is all I said.

Q. Well, now, there is some claim made by Mr. Conry or his lawyer that the police department down there are under the control or by some witnesses of Mr. Conry—

Mr. MALLEY. There is no such claim.

Q. There is some claim made by Mr. Conry's lawyer in questions, and supported to some extent by the answers of one of the witnesses, at least, that the police officers down there are under the control of Mr. Martin Lomasney.

Mr. MALLEY. There is no such statement made.

Q. Is it a fact that the police officers down there are under the control of Mr. Lomasney?—A. Not to my knowledge.

Q. You are not under his control?—A. No, sir.

Q. Or under the control of any of his political associates?—A. No, sir.

Q. You have not neglected to perform your duty in this case?—A. No, sir.

Q. You do not care anything about him or any other man in public life?—A. No, sir; not any more than any other man.

Q. You would not hesitate to arrest even him if you saw him commit crime?—A. No, sir.

Q. You never have received any instructions from your superior officers to ignore crime down there?—A. No, sir.

Q. You have always been instructed to arrest persons committing crime?—A. By all means.

Q. Regardless of who they are?—A. Yes, sir.

Q. Do you know any officers under the control of any politician down there, whether Mr. Kelher or Mr. Conry or Mr. Lomasney?—A. No, sir.

Redirect examination by Mr. HARRINGTON:

Q. Is it customary, when a patrolman discovers what may be a very large and important case, for one sergeant to be assigned on it with him?—A. Yes, sir.

Q. Are cases of illegal voting considered important cases in the police department?—A. I should think they were.

Q. Was this particular case considered by you and your superiors an important case?—A. Yes, sir; I did consider it was an important case.

Q. When a sergeant is assigned to assist a patrolman in a case is it customary for the sergeant to control it entirely?—A. Very often; yes, sir. I will take that back.

Q. Just a moment. Is it the custom for a sergeant to make complaints in a case in which he is assigned?—A. Sometimes; yes, sir.

Q. Is it the general rule for the sergeants to make the complaint?—A. Not in all cases.

Q. At the time you saw this Hines in the voting booth, were you absolutely positive that his name was John H. Hines?—A. I was not; no, sir; I did not know what his name was, only Scotty.

Q. How long have you known this Hines?—A. Known him for four, five, or six years, perhaps.

Q. Are you, or were you at that time, fully familiar with his haunts?—A. Yes, sir.

Q. Were you sure that you could find him later on, whenever you wanted him?—A. I thought I could.

Q. Then your reason for not arresting him on the spot was that you wanted time to secure further evidence as to his name?—A. Yes, sir.

Q. And you knew where you could find him when you should want him?—A. Yes, sir.

- Q. Did you seek for further evidence as to what his true name was?—A. I did.
 Q. Did you find out his true name?—A. Yes, sir.
 Q. Did you find it was not William J. Kelly?—A. I did.
 Q. He was then arrested?—A. Yes, sir; he was arrested the 20th of December.
 Q. Who appeared for Mr. Hines—what attorney?—A. Mr. Creed.
 Q. What is his full name?—A. Michael J.
 Q. Was it Michael J. Creed?—A. Yes, sir; of South Boston.
 Q. Is he the same attorney that appeared for John F. King for illegally keeping a boarding house?—A. I could not say.
 Q. Are there two Michael Creeds?—A. This is Mr. Creed of South Boston.
 Q. Was Martin Lomasney present in court when Hines was tried?—A. Not to my knowledge.
 Q. He might have been there and you not know it?—A. He might have been. I did not see him.
 Q. Do you remember who was surety on Hines's bond?—A. No sir.
 Q. Do you know whether this Porter, who told you Mr. Conry wanted to see him, is an attorney associated with George A. Sigliano of Ward 6—councilman for Ward 6?—A. No, sir; I do not.
 Q. You don't know whether it is that Porter or not?—A. No, sir.
 Q. You don't know Porter, the attorney?—A. No, sir.
 Q. You don't know who Hines voted for?—A. No, sir.
 Q. He might have voted for Keliher?—A. I don't know.
 Q. By the way, when you went into the Boylston, on Cambridge street, was it to get Hines's full or correct name?—A. It was to get his full name or his correct name, and I got it wrong.

By Mr. MORAN:

- Q. You said he was in the habit of drinking a good deal and you wanted to get his full name?—A. Yes, sir.

ORLANDO B. LAYLOR, sworn.

By Mr. HARRINGTON:

- Q. What is your full name?—A. Orlando B. Laylor.
 Q. What is your business?—A. Police officer.
 Q. What division?—A. Three.
 Q. In the city of Boston?—A. Yes, sir.
 Q. How long have you been on division 3?—A. About fifteen years.
 Q. Are you a patrolman?—A. Yes, sir.
 Q. What were you doing on November 4, 1902?—A. I was at precinct 5, Ward 8.
 Q. How long were you there?—A. There all day, with the exception of about an hour.
 Q. Do you know John H. Hines?—A. I do.
 Q. Did you see him that day?—A. I did.
 Q. Where?—A. He came into the booth.
 Q. What did he do?—A. Stepped up and gave the name of William J. Kelly, 386 Charles street; received a ballot; went in; marked his ballot; came out, and gave the same name and went out.
 Q. Was that 386 or 387 Charles street?—A. 387.
 Q. Do you know the general reputation of this Hines?—A. I don't.
 Q. Had you seen him before that day?—A. Number of times.
 Q. Did you know what his true name was?—A. I did not.
 Q. What is your regular route on division 3?—A. I am on route 12, from corner of Green and Leverett streets, down to Spring and Leverett, and up through Allen, Blossom, Parkman, and Green streets.
 Q. Are you acquainted with 26 Pitts street?—A. I am not.
 Q. Do you know who lives there?—A. I do not.
 Q. Do you know as to the reputation of the house?—A. I do not know.
 Q. Did you ever cover that route?—A. Never did.
 Q. Do you know anything about Nos. 1 and 3 Lowell street?—A. Yes; I know it is a lodging house.
 Q. Do you know as to the general reputation of the place, general character?—A. They keep a lodging house there.
 Q. Do you know as to the inmates of the place?—A. No; I do not know.
 Q. Is that on your route?—A. It is not.
 Q. Have you ever in your official capacity been called to 1 and 3 Lowell street?—A. I went there some time, I think, in December—December 9—with Sergeant Hyland.

Q. For what purpose?—A. Went there on a raid for liquor.

Q. What sort of raid?—A. Liquor.

Q. Were you ever there before or since?—A. Oh, I have been there some three, four, or five years ago perhaps.

Q. For what purpose?—A. I went in there once on a complaint; sent there to investigate a case.

Q. What sort of case?—A. A case of—well, a man claimed that he had lost some money there or something.

Q. He claimed that he was robbed?—A. No; he claimed that he lost some money; a woman took it from him.

Q. What number was that?—A. No. 1 Lowell street.

Q. Do you know the proprietor there?—A. Yes, sir.

Q. What is his name?—A. King.

Q. What ever became of that complaint founded on the man losing money at No. 1 Lowell street?—A. The woman was arrested and put into court and fined.

Q. What was her name?—A. I don't know.

Q. Was she convicted?—A. She was.

Q. Do you know her name?—A. I don't; I have forgotten it.

Q. Was she the wife of Mr. Kane, the proprietor?—A. She was not.

Q. Was the complaint robbery?—A. No; larceny.

Q. Were you present at the trial of John H. Hines in the municipal court?—A. I was.

Q. Was William J. Kelly present there that day?—A. He was.

Q. Of 387 Charles street?—A. Yes, sir.

Q. Is he the man upon whose name Hines voted?—A. He was.

Q. Then the two police officers that were present at the time he voted, and the man upon whose name he voted, were present in court at the trial of Hines and he was convicted?—A. Yes, sir.

Q. Do you know the final result of Hines's case?—A. Yes, sir. I was in the superior court. I was there three days last week and he was called and defaulted.

Q. Do you know where Hines was then?—A. I do not.

Q. Was he in the city hospital?—A. Not last week.

Q. Do you know who was counsel for Mr. Hines?—A. Mr. Creed.

Q. What Creed, Michael J.?—A. Michael J. Creed.

Q. Is he the attorney that was counsel for Kane when he was arrested for running a lodging house illegally?—A. Yes, sir.

Q. Was Mr. Lomasney present at the court the day Hines was tried?—A. No, sir; not to my knowledge.

Q. Was he in court during the trial of Kane?—A. He was.

Q. Was he sitting beside counsel for Kane?—A. Sitting near him.

Q. Did he have any communication with counsel during the course of the trial?—A. I did not notice.

Q. Was he sitting back of counsel?—A. Yes, sir.

Q. Right back of him in the bar inclosure?—A. Yes, sir.

Q. And that was the same counsel who was counsel for Hines?—A. Yes, sir.

Cross-examination by Mr. MORAN:

Q. I suppose that behind Mr. Creed in the superior court there sit when he is trying cases, large numbers of persons in trial, don't there?—A. I don't know.

Q. You have always seen persons sitting behind with lawyers?—A. Yes, sir.

Q. Michael J. Creed is one of the best triers of causes in Suffolk County, is he not?—A. I think he is.

Q. How long had you known this man Hines on election day?—A. Oh, I have seen him around the west end perhaps two or three years.

Q. Two or three years?—A. Yes.

Q. You saw him pretty frequently?—A. No, not frequently.

Q. How often?—A. I might not have seen him more than once in six months.

Q. You said you knew what his reputation is?—A. No, sir; I did not say so.

Q. So far as you know, he is one of the most honorable men in the city?—A. I don't know.

Q. So far as you know, he may be.—A. No, I don't think he is.

Q. I am trying to find out what kind of a man he was. He was a man said to drink a good deal?—A. Yes, sir.

Q. That is the only thing known against him?—A. That is all to my knowledge.

Q. That is all, to your knowledge. You knew him pretty well at the time you saw him vote?—A. Not very well; I had seen him.

Q. What did you suppose his name was when you saw him go into the booth on election day?—A. I heard him called Scotty.

Q. Hadn't you any idea of his last name?—A. No, sir.

Q. Hadn't he ever been arrested?—A. Not to my knowledge.

Q. Was he a common drunkard?—A. I could not say.

Q. Was he around the streets so that he acquired the reputation of being drunk?—A. I have seen him sometimes under the influence of liquor; not always.

Q. You had not any idea what his name was when he was voting, had you?—A. I had not.

Q. You supposed his name was Kelly?—A. From information I received when he was voting, I did not think his name was Kelly.

Q. You did not think his name was Kelly?—A. No.

Q. Now, if you made up your mind his name was not Kelly when you saw him voting, why didn't you then arrest him?—A. If I had been sure of it I would have arrested him.

Q. You did not want to take any chances?—A. I did not want to take any chances.

Q. Did you hear that statement made by some other officer—from somebody outside the window?—A. No, sir.

Q. Had you any intimation from anybody in any way that his name was not Kelly?—A. Only from Mr. Wyman.

Q. What did Wyman say to you?—A. I forget just what he said. He said, "See what name this man gives."

Q. You and Wyman were both then in the booth?—A. We were.

Q. This man had not yet given his name?—A. I think not.

Q. This man referred to was Hines?—A. Yes.

Q. Did you upon being requested, "See what name this man gives," pay attention to the name he did give?—A. Yes, sir.

Q. And you heard him give the name of William J. Kelly?—A. Yes.

Q. Of 387 Charles street?—A. Yes, sir.

Q. What did Wyman say as soon as Hines gave the name of Kelly?—A. He says, "That ain't his name; I have heard him called Scotty."

Q. What else did Wyman say to you at that time?—A. I don't think he said anything.

Q. What did you say to Wyman when he said "That is not his name; I have heard him called Scotty?"—A. I don't remember what I said to him.

Q. Well, didn't you say to him, "If that is not his name, let us arrest him?"—A. No, sir.

Q. When the officer told you his name was not Kelly, didn't you believe the officer?—A. I did.

Q. When he told you that Hines's name was not Kelly, you believed that it was not Kelly; why did you stand there and permit him to vote in the name of Kelly?—A. I was not sure what his name was.

Q. Didn't you believe the officer when he told you his name was not Kelly? And believing that, why, then, didn't you act on that information that his name was not Kelly and arrest him?—A. I was not sure.

Q. Then you did not quite believe Officer Wyman?—A. I thought he might be mistaken.

Q. You thought Wyman might be mistaken?—A. Yes.

Q. You preferred not to act on the information Wyman gave you, that his name was not Kelly. Did you intend to investigate it later?—A. I did.

Q. What did you do then?—A. I did not do anything.

Q. Then you changed your intention of investigating, didn't you?—A. I knew that—

Q. Pardon me, you changed your intention to make an investigation?—A. I did.

Q. You changed that after that day?—A. Yes, sir.

Q. Well, whom did you act under down there performing your duties as police officer?—A. Captain Gaskin.

Q. Did the captain tell you not to arrest anyone when another officer told you his name was different from what he was voting on?—A. No, sir.

Q. Did Captain Gaskin, or any other officer, ever give you any instructions which could be construed as meaning not to arrest a man when violating the election law?—A. No, sir.

Q. Has not the instruction Captain Gaskin gave you been to arrest everybody violating the election law?—A. Yes, sir.

Q. Now, if you believed Wyman when he said that the man's name was not Kelly, and if you believed Captain Gaskin's instructions were to be followed, why didn't you obey them and arrest Kelly?—A. This man went in there and voted, and went through very quick. He could not have voted for more than one man, and Mr. Wyman stepped out the door to stop him, and he came back and reported he was gone.

Q. You supposed Wyman stepped out to stop him?—A. To overhaul him.

Q. To stop and talk to him?—A. To talk to him.

Q. For what?—A. To use his own judgment.

Q. Whether he would arrest him or not?—A. Yes, sir.

Q. Why didn't you go out?—A. We could not both leave the booth.

Q. Where were you in the booth with reference to the place where the man deposited his vote in voting? I want you tell so that the stenographer can get it, so that the Congressmen can have it.—A. Well, I stood right over by the corner where they give the name, where the precinct officer sits, at the corner.

Q. Let me describe it and see if it is right. The booth is a rectangular building some 20 feet long and 10 feet wide, is it not?—A. Yes; a little wider than that, 10 or 15 feet wide.

Q. And there is a pathway from the door, shut off by means of a rail?—A. Yes, sir.

Q. Which runs from the door to the other side of the booth, and then runs along the farther side of the booth to where the space was in which voters marked their ballots?—Yes, sir.

Q. And then the space extends to the door of exit?—A. Yes, sir.

Q. And that passageway probably four or five feet wide?—A. Yes, sir.

Q. And along the passageway they travel and they pass the man who passes out the ballots?—A. Yes, sir.

Q. And as the voter passes the first desk he gives the name, and some one behind the desk reports it found, and he passes into the apartment and marks his ballot and steps back from the apartment and stops at the voting box, where there is a man, deposits his ballot and passes out the door?—A. He gives his name the second time.

Q. Were you between the door of entrance, the first corner which the man would have to pass?—A. I was standing with my back against the building, and he would have to pass right along in front.

Q. How near to where Officer Wyman was standing with his back against the window?—A. He was perhaps 3 feet from me when he first came in.

Q. At the time that Hines came in?—A. He was quite near me.

Q. At the instant that Hines came in the door of entrance how near were you to Wyman?—A. Perhaps 4 feet from him.

Q. Did you hear any remark made by anybody to him?—A. I did not.

Q. "You know that man, Wyman, do your duty." Did you hear any such remark as that made while you were 4 feet away from Wyman?—A. I did not.

Q. Were you at any time after Hines entered the house, and from the time he entered until he went out, more than 4 feet away from him?—A. Yes, sir.

Q. How much farther away were you?—A. I was 7 or 8 feet at that time.

Q. At that time what was Hines doing?—A. Going toward the door.

Q. After having voted?—A. Yes, sir.

Q. Were you after him?—A. No, sir.

Q. Were you moving in that direction?—A. No, sir.

Q. Did you hallow to him?—A. No, sir.

Q. Did you ask anyone at the other end, near the door, to stop him?—A. No, sir.

Q. Was there any statement made by either of you officers, "Hold him up; stop him voting; that is not his name?"—A. No, sir.

Q. Anything done in that way?—A. No, sir.

Q. Do you think you were performing your duty in letting him vote after Wyman said that was not his name?—A. I think we did.

Q. I say do you think you were doing your duty after your fellow-officer, Wyman, told you that his name was not Kelly?—A. I do.

Q. Didn't you think that the information from Wyman, that his name was not Kelly, was sufficiently truthful information on which to go and make an arrest?—A. If he was sure of the man.

Q. Didn't you know that if you had information from a brother officer that you would be protected in making an arrest, even if it was an erroneous arrest?—A. Not a false arrest.

Q. Didn't you know that if a brother officer told you that "that man who is voting is not voting under his own name, but he is voting under another man's name," that you would be protected if you arrested him on that information?—A. I would have been, probably.

Q. Then, why didn't you act on Wyman's information?—A. I left that for Mr. Wyman.

Q. You left that for Wyman to do?—A. Yes, sir.

Q. Why didn't Wyman do it?—A. He told you, I think.

Q. You have no knowledge of why he did not do it except what he said here?—A. No.

Q. He did not tell you in the booth why he did not do it?—A. No. I withdraw that; he did.

Q. What did he say?—A. When he came back he said he got away so quick he could not find where he went.

Q. He told you that he got away so quick that he could not find him?—A. Yes.

Q. Now, did he tell you that "Hines has got away so quick I could not catch him?"—A. Yes; he said he got away, I said.

Q. How did you know who he was talking about?—A. I knew he was talking about the man who voted.

Q. What man—the man that voted illegally?—A. The man that voted on Kelly's name.

Q. Both you and Wyman knew that he had no right to vote under that name?—A. I was not sure of it.

Q. Did you make any report of it to the captain or anybody else?—A. No, sir.

Q. You are not under the control of Mr. Lomasney, are you?—A. No, sir; nor any other politician.

Q. You have been instructed to make arrests when you see violation of the law?—A. Yes, sir.

Q. Ever been instructed to obey Mr. Lomasney's directions?—A. No, sir.

Q. Or Mr. Kiley's or anybody else's in that ward?—A. No, sir.

Q. And you don't take instructions from anybody else except your superior officer?—A. No, sir.

Q. The police commission have not directed you to violate law or permit violations of law, have they?—A. No, sir.

Q. So far as you know, there is no collusion with the commissioners or police officers and politicians in Ward 8?—A. No, sir.

Mr. MALLEY. We wish to repeat that no such claim was ever made.

Redirect examination by Mr. HARRINGTON:

Q. At the time this man voted on the name of William J. Kelly, were you absolutely sure that a crime had been committed?—A. No, sir.

Q. Did Officer Wyman's attitude in the matter have any influence on your action?—A. No, sir; nothing more than he was not sure.

Q. If he was sure he would have arrested the man, would he?—A. Yes, sir.

Q. And his failure in not arresting the man at the time influenced you in not arresting him?—A. Yes, sir.

By Mr. MORAN:

Q. You testified about 1 and 3 Lowell street in answer to Mr. Harrington's question?—A. Yes, sir.

Q. 1 and 3 Lowell street is not on your route?—A. No, sir.

Q. You have been there how many times in the past year?—A. Only once.

Q. When was that?—A. That was December 9, I think.

Q. And who accompanied you at the time you went there?—A. Sergeant Hyland and these two other officers, I don't remember who they were.

Q. Who had charge of the squad?—A. Sergeant Hyland.

Q. Did he have a warrant at that time?—A. Yes.

Q. A search warrant to search for intoxicating liquors?—A. I don't know.

Q. Who had sworn to the complaint on which the warrant was issued?—A. I don't know.

Q. Is Sergeant Hyland here to-day?—A. No, sir.

Q. Has he been here?—A. No, sir.

Q. You have not seen him in the court room?—A. No, sir.

Q. What time did you and Sergeant Hyland and the officers call at the house?—A. About 9 o'clock in the morning.

Q. How long did you remain there?—A. About half an hour.

Q. Did you search for any liquors?—A. No, sir.

Q. Was not the search warrant secured for the purpose of finding out how many beds there were in the house?—A. I don't know.

Q. Didn't you go through the house with Sergeant Hyland and count the beds?—A. I did.

Q. How many beds did you count?—A. I think some 81 or 82.

Q. Eighty-one or 82?—A. Yes, sir.

Q. In No. 3 Lowell street how many did you count?—A. That is the house I mean.

Q. In No. 3 Lowell street there are 81 or 82 beds?—A. Yes, sir.

Q. Were you a witness in the case against King for keeping that lodging house?—A. I was.

Q. And as the result of that investigation that day, was he charged in court as keeping a lodging house in violation of law?—A. He was charged after that.

Q. And you officers who went down there at the alleged search for liquor were the officers that testified against him?—A. Yes, sir.

Q. And he was acquitted by a jury?—A. He was.

Q. He claimed he did keep a lodging house?—A. He claimed he did not.

Q. He claimed that he did not keep one in violation of law?—A. Yes, sir.

Q. He claimed that inasmuch as the lodgers paid by the week there was no law to reach him?—A. Yes.

Q. And the officers claimed that there was a violation of law because he let it by the night?—A. Yes, sir.

Q. And the jury, after hearing the evidence, claimed that he let them by the week?—A. I don't know, but I know that he was decided not guilty.

Q. You knew that was adverse to you and the other officers?—A. Yes, sir.

Q. And the jury, after hearing the evidence, decided that you were all wrong as to your contention?—A. Yes, sir.

Q. Did you count the beds in No. 1 Lowell street that day?—A. No, sir.

Q. Did any of the other officers count them?—A. No, sir.

Q. How many beds did Sergeant Hyland count in No. 1?—A. Eighty-one or 82.

Q. During the testimony in that case before the jury, was there testimony from any of the board of health or other officers?—A. I don't know; I think not.

Q. Don't you remember one of them testified?—A. I don't think so.

Q. Any recollection about it?—A. I don't remember of any testifying.

Q. Did you really search for liquor that day?—A. Yes, sir.

Q. You went through both houses?—A. I did not. I only went through No. 3.

Q. You made a thorough and complete search of No. 3 for liquor?—A. Yes, sir.

Q. And found none? If you went there to make a thorough search for liquor, why did you count the beds?—A. I don't know.

Q. Who told you to count the beds?—A. Sergeant Hyland.

Q. When did he tell you to count the beds?—A. After we had searched for liquor.

Q. Did Sergeant Hyland tell you he wanted to make out a case for keeping a lodging house?—A. No, sir.

Q. Did you know why he wanted to count the beds?—A. No, sir.

Q. Did you know he was a friend of Mr. Conry's?—A. I did not.

Q. Did you know whether he had conferences with Mr. Conry or not?—A. I did not.

Q. Did you know that he had talks about the matter, and that he was getting it to put into the Congressional case between Conry and Keliher?—A. I did not.

Q. Do you know why Sergeant Hyland is not here to testify?—A. Because he was not summoned, I suppose.

Q. You don't know why they did not bring him, why they made choice of you two fellows rather than of him?—A. I don't know.

Q. You don't know that?—A. No, sir.

Q. When you testified in the court, how many persons did you say lodged there?—A. I don't think I said.

Q. Didn't you tell how many persons lodged there?—A. No, sir; I did not know.

Q. You did not know?—A. No, sir; did not know whether the beds were full at that time or not.

Q. Of course, they were not in the morning. You would not find your beds full at that time?—A. No, sir.

Q. You were not around there in the nighttime?—A. No, sir.

Q. Do you know what officers were around there at nighttime?—A. I know the officers on the route.

Q. Those names can be ascertained by Mr. Conry or his lawyer at the station house, can they?—A. I don't know, but I suppose so.

Q. Do you know any reason why you were singled out to testify to 1 and 3 Lowell street?—A. No, sir.

Q. Do you know why Mr. Conry and his lawyers have singled you out as a favorite to testify to something you know nothing about, when they could get officers that patrol the place daily for the last two years?—A. I don't know.

Q. You don't know why you were favored?—A. No, sir.

Q. There is a relationship between Mr. Conry or Mr. Malley and yourself?—A. Not to my knowledge.

By Mr. HARRINGTON:

Q. Do you think your knowledge of the Hines matter has anything to do with your being here to-day as a witness?—A. I don't know why I am here.

Q. Do you think that your part in the Hines illegal-voting case has anything to do with your being a witness?—A. I think it has something to do with it.

Q. Then you do know why you were singled out to be brought here?—A. I don't know; I only supposed so.

Q. Do you know Louis Sonnabend?—A. I do.

Q. Where does he live?—A. I don't know.

Q. Do you know, first, whether he lives in Ward 8 or not?—A. I think he does; I am not sure.

Q. Was he a member of the Hendricks Club?—A. Not to my knowledge.

Q. Was he a member of the jury that tried Mr. King?—A. He was.

Q. Do you know whether he has any affiliation with Mr. Lomasney, Mr. Cuddy, or Mr. Kane?—A. I don't know anything about it.

Q. Do you know whether Mr. Kane was ever previously convicted of illegally running a lodging house at 1 and 3 Lowell street?—A. I do.

Q. Was he ever convicted?—A. He was.

Q. About when was he convicted of illegally running a lodging house at 1 and 3 Lowell street?—A. Some three years ago.

Q. Do you know what the sentence or fine was?—A. I have forgotten just what the fine was.

Q. Is it customary for officers when out on one errand of official duty, in seeing indications of any crime, of the commission of any crime, to look them up and investigate?—A. Yes, sir.

Q. What you discovered at 1 and 3 Lowell street at your visit on this raid led you to believe that an illegal business was being conducted there?—A. Yes.

Q. That is why Kane was arrested for illegally running a lodging house?—A. Yes, sir.

Q. Is that [showing photograph] a fair representation of the houses 1 and 3 Lowell street?—A. I think it is.

Q. How long has that sign been on there that you see?—A. I don't know.

Q. Was it there at the time that you went there on the raid?—A. I did not notice it. It might have been and might not.

Mr. HARRINGTON. I offer this now in evidence.

(Photograph marked "Ex. 148.")

By Mr. MORAN:

Q. You have said in answer to one of Mr. Harrington's questions that while at the house 1 and 3 Lowell street in search for liquors you found evidence of illegal business. What illegal business did you have in mind when you made that reply?—A. Keeping a lodging house without a license.

Q. That is, you became satisfied from what you saw that he had a lodging house, and knew he had no license?—A. Yes, sir.

Q. Therefore you concluded that he was running a lodging house in violation of law?—A. Yes, sir.

Q. And you were satisfied that he had a lodging house?—A. Yes, sir.

By Mr. HARRINGTON:

Q. And he was convicted in the lower court?—A. Yes, sir.

Q. And acquitted before a jury, of which a Ward 8 man was a member?—A. Yes, sir.

By Mr. MORAN:

Q. There is no question in your mind but what the jury came to a proper conclusion on all the evidence?—A. I would not say.

EDWARD F. GASKIN, sworn.

By Mr. HARRINGTON:

Q. What is your full name?—A. Edward F. Gaskin.

Q. What is your business?—A. Police captain, division 3.

Q. How long have you been in command of that division?—A. Four years the 20th of this month.

Q. Are you familiarly acquainted with the political leaders of Ward 8, both Democratic and Republican?—A. I know them all.

Q. Who are the Democratic leaders of Ward 8?—A. Well, I don't know anything about that.

Q. Have you attended any caucuses of either political party of Ward 8?—A. In my official capacity.

Q. That is why you are here. When?—A. At their caucuses.

Q. Were you at the Republican caucus in Ward 8 in 1899?—A. I think I was.

Q. Did you see any of the Democratic leaders of Ward 8 there?—A. I saw Democrats there, I don't know whether leaders or not.

Q. Who were the Democrats you saw there?—A. I saw Mr. Kiley for one.

Q. His full name?—A. Daniel J. Kiley.

Q. Who else did you see?—A. I can't remember.

Q. Did you see Martin Lomasney?—A. No, sir.

Q. Or Joe Lomasney?—A. No, sir.

Q. Or Mr. Cuddy there?—A. No, sir.

Q. Who were the other Democrats besides Mr. Kiley?—A. I could not recall the names.

Q. Do you know that they ever took a prominent part in the Democratic politics of Ward 8?—A. Yes.

Q. Was Thomas Keenan there?—A. I did not see him there that night.

Q. Did you see Michael J. Hart there?—A. I don't remember.

Q. What was Mr. Kiley doing at the Republican caucus?—A. Nothing; taking no part whatever in the caucus.

Q. Do you know John H. Hines?—A. I have seen him once. I never saw him until he was arrested.

Q. For what was he arrested?—A. Violation of the election laws.

Q. Do you know where he is now?—A. No, sir.

Q. Do you know Richard Stack?—A. No, sir.

Q. He lives at 35 Hale street.—A. No, sir.

Q. Is there a warrant in your station now for this Stack?—A. Not that I know of.

Q. It might be there and you not know of it?—A. I am supposed to see every warrant that comes in there, but it might have slipped my memory.

Q. Do you know what the general character of this Stack is?—A. I don't know.

Q. Are you familiar with Pitts street?—A. Yes.

Q. Do you know the character of the street?—A. The character is bad.

Q. Bad for what, in what respect?—A. Well, we have kitchen barrooms there; we have a hotel there that does not bear the best of names, and an inn, called the Pitts Street Inn, the Delta House, and we have a house of ill fame there.

Q. Are you acquainted with the house 26 Pitts street?—A. I have heard of it from the reports of the officers.

Q. Have you any personal knowledge of it?—A. Not a bit.

Q. How long a street is Pitts street?—A. Well, it might be 300 feet, perhaps.

Q. A very short street?—A. Not a very long one.

Q. It is not long enough to be included in one route, is it?—A. Oh, yes.

Q. Not long enough to be one route itself?—A. No; but I have a man there all the time at nighttime.

Q. You assign one man there?—A. I have had a man there for months on Pitts street.

Q. Is that an unusual street?—A. I have him there to watch 14 Pitts street, the Delta House, and Pitts Street Inn, and Mrs. Shanahan's.

Q. What is her number?—A. It is 26.

Q. Then all the houses on that street are rotten and bad places?—A. No, sir; most of them are poor families, respectable families; but these houses I mention are the bad ones.

Q. How many houses on that street?—A. I could not tell you; have no idea.

Q. Are there more than 15?—A. Yes.

Q. Are there twenty?—A. I could not tell you how many on the street. I know the bad ones and I pick them out.

Q. Are there more than twenty used as dwelling houses?—A. I could not tell you.

Q. How many houses on that street are houses of bad repute?—A. One.

Q. Are the others houses of assignation?—A. No, sir.

Q. Do women frequent any of these houses?—A. I will say the Delta House women frequent, and also the Pitts Street Inn; very bad reputation.

Q. Have you ever called in your official capacity at 26 Pitts street?—A. No, sir.

Q. Have you personal knowledge of your men going to 26 Pitts street?—A. They are told to watch the whole street, and that house, too.

Q. Have you personal knowledge of your men going to 26 Pitts street?—A. Only by their report.

Q. Has 26 Pitts street ever been raided by your men?—A. Yes, sir.

Q. For what purpose?—A. Liquor.

Q. How many times 26 Pitts street?—A. O, I think twice since she has been there.

Q. How long has she been there?—A. Pretty near two years; over a year.

Q. What are you watching 26 Pitts street for?—A. Liquor, and trying to break it up.

Q. It is a house that you want to break up; not the house, but you want the tenants?—A. From the reports of my officers I suspect it is a kitchen barroom.

Q. What hour does the special officer go on, and what hour off?—A. Put him on at 10 o'clock p. m. and keep him on until 4 o'clock in the morning.

Q. He does nothing but patrol Pitts street?—A. That is all.

Q. Pitts is no more than 300 feet long?—A. About that; I never measured it.

Q. Are you familiar with 1 and 3 Lowell street?—A. I have seen the house from the outside and have had reports from my officers.

Q. Are 1 and 3 Lowell street named the same as hotels usually are?—A. No, sir.

Q. Did you ever know it was the Kingston House?—A. I never did.

Q. Ever know the proprietor?—A. I have seen him.

Q. What is his name?—A. King or Kane.

Q. Ever know him as John King?—A. I have heard his name as King.

Q. Was he ever arrested as King?—A. Three times for keeping a public lodging house without a license.

Q. How many times out of the three was he convicted?—A. Twice.

Q. When was the last time he was charged with running a lodging house illegally?—A. I think it was along in November, 1902.

Q. When was he previously arrested?—A. A couple of years or a little over a year ago.

Q. Is that [showing photograph] a fair representation of 1 and 3 Lowell street?—A. Yes; that looks like it.

Q. Do you know when that sign was first placed on that building?—A. No, sir.

Q. Do you know whether it is there to-day or not?—A. I don't know anything about it.

Q. Are you acquainted with 19 Causeway street?—A. Yes, sir.

Q. Who runs that place?—A. A man named McKinley.

Q. What sort of a place is it?—A. A first-class place of its kind; a cheap lodging house; cheap, and yet the beds kept in good shape. He has a license.

Q. Does Mr. McKinley live there?—A. I think not.

Q. Are there 35 men sleeping in one room?—A. I don't know how many there are.

Q. You never heard it referred to as Lewis's Hotel?—A. No, sir.

Q. How long has he had a license?—A. A couple of years.

Q. Was it run previous to that?—A. He had a license for that place ever since the law was passed, and has had ever since the law was passed licensing them.

Cross-examination by Mr. MORAN:

Q. How many houses of ill-fame have you in your district now?—A. I have three, four, or five—five bona fide parlor houses.

Q. And they are running with the consent of the police force?—A. No, sir.

Q. With your consent?—A. No, sir.

Q. With the consent of your subordinates?—A. No, sir.

Q. Are they running in open defiance of you?—A. No, sir.

Q. Running in spite of you?—A. They are running until we get evidence to convict.

Q. How long have you been there?—A. Four years.

Q. Is it not time you had been put out?—The different proprietors—as soon as you land one criminal—

Q. Another one takes his place.—A. That is right.

Q. When did you last land anyone down there for keeping a house of ill-fame?—A. A short time ago. We have had about seventy proprietors convicted since I have been in there. It may be a little over that.

Q. You got convictions of most of them?—A. Very few discharges.

Q. And your district covers how many square miles?—A. I could not tell you; have no idea.

Q. How many officers have you?—A. Seventy-three all told.

Q. And they are divided into two squads, day and night?—A. Three platoons.

Q. How many officers are there on duty at any particular hour—say, 10 o'clock in the forenoon, how many are on duty on the street?—A. Twenty-one.

Q. It is about the same number at any time, day or night?—A. The first part of the night there would be about 24—that is, from 6 p. m. to 1 o'clock midnight.

Q. Everybody knows about the houses of ill-fame running there now?—A. Everybody.

Q. The police officers, inhabitants, and visitors down there?—A. Yes, sir.

Q. How long has each one of the five places running down there been in existence?—A. They have been running since I have been there.

Q. Will you locate those for me?—A. Nos. 2, 3, and 8 Bulfinch street; 33½ Green street, and 14 Pitts. Now, I don't say they are houses of ill-fame now, because we

have not made a case out against them in two or three months. That is the reputation they have got.

Q. I ask you how many houses of ill-fame you had in your district, and you said five.—A. The reputation of the houses—I will say they are houses of ill-fame.

Q. Who is running No. 2 Bullfinch street now?—A. I don't know.

Q. How long since you investigated 8 Bullfinch street?—A. Every time we make an arrest there is a different woman in charge.

Q. How many times in four years have you made an arrest from 8 Bullfinch street?—A. I have no recollection.

Q. What is your best recollection?—A. I can't say.

Q. Will you say that you made an arrest at 3 Bullfinch street in four years?—A. Without the record I could not tell you.

Q. What was the name of the last person that you put into court as being proprietor of 2 Bullfinch street?—A. I could not tell you.

Q. When was the last time?—A. I could not say.

Q. Have you done it within a year?—A. I think so.

Q. Have you within six months?—A. I could not say.

Q. What was the name of the last person you convicted of keeping a house of ill fame at 2 Bullfinch street?—A. I think we convicted two at that time, Minnie Stevens and the housekeeper.

Q. When was that?—A. I could not tell you.

Q. How many months ago?—A. I could not say, and would not say unless I had the record.

Q. Could not say how many years ago?—A. I would not say a word without the record.

Q. What is the matter with your memory?—A. I have a very good memory. I don't want to say without the record. I don't know whether it is six months or a year.

Q. No memory at all? Who is running it now?—A. I don't know.

Q. What are your officers' reports as to who is running it now?—A. They are investigating at the present time.

Q. Who do the officers report as proprietor of that place now?—A. They have not reported anyone lately. They are investigating and trying to get evidence.

Q. Don't you know No. 2 Bullfinch street is a well-known house of illfame and always has been since you were on the district?—A. Yes; and before I went there.

Q. Don't you know all your efforts have been failures so far as stopping it goes?—A. Dead failures.

Q. And haven't you been asked to resign?—A. No, sir.

Q. The three police commissioners know it, don't they?—A. They know we are working hard to get evidence.

Q. You keep the commissioners posted, don't you?—A. My records show it.

Q. You make reports to them? Have you had any assistance in securing evidence against that place?—A. Yes, sir.

Q. What?—A. Yes, sir.

Q. Now, No. 3 Bullfinch street, who is running that?—A. A new woman has come in there.

Q. How long has she been there?—A. A short time.

Q. How many months?—A. Not very long ago.

Q. How many months do you say the new proprietor of 3 Bullfinch street has been there?—A. Not over three months.

Q. Have you landed her?—A. Not yet.

Q. Expect to?—A. Liable to.

Q. When did you last make an arrest from No. 3 Bullfinch street of anybody as proprietor?—A. Several months ago.

Q. Who was it?—A. Minnie Howe.

Q. Do you know whether she sold out a house, a place of patronage, for \$12,500 to the woman that is there now?—A. I have heard it.

Q. Have you made an investigation as to what she had to sell out for that enormous amount of money?—A. I have my officers going to get the evidence.

Q. In three months you have not found any evidence, have you?—A. I don't know what the sergeants have.

Q. Who protects those houses, anyway?—A. The law.

Q. Anybody else?—A. No, sir.

Q. You don't receive any money from them?—A. Not a dollar.

Q. Your lieutenants and sergeants don't, do they?—A. No, sir; I don't believe they do.

Q. And your patrolmen don't?—A. No, sir.

Q. Have you not known of some of your officers receiving money?—A. Never in my life.

Q. Have you not known of go-betweens between those houses and your men?—A. No, sir.

Q. Never heard it in your life?—A. No, sir.

Q. You never heard any rumors of go-betweens?—A. I don't pay attention to rumors.

Q. You have had plenty of information?—A. No, sir.

Q. Well, Minnie Howe was not prosecuted, was she?—A. She certainly was.

Q. What did they do with her?—A. She got six months in jail and the case went upstairs and was nol-prossed.

Q. Ah, the district attorney nol-prossed it?—A. Yes, sir. I say it was nol-prossed or put on file.

Q. District Attorney Stevens nol-prossed it?—A. I did not say that. I don't know why it was nol-prossed.

Q. Minnie Howe had been running it for three years and nine months since you have been on there, and you finally landed her and Judge Dewey sentenced her in the lower court and the district attorney put it on file or nol-prossed it?—A. No; the judge of the court had charge of the case, and doctors were brought in to show that she was a sick woman at the time, it was said, and it was put on file.

Q. Did you accept any such bluff as that?—A. I was not there. I accept anything the court decides.

Q. Now, who is running No. 8 Bulfinch street at the present time and keeping a house of illfame?—A. I can't think of the name.

Q. Do you know her?—A. No; I don't.

Q. What does the name sound like?—A. I don't know; I never heard.

Q. Who did you say the judge was on the bench?—A. No, sir; I did not say.

Q. Do you know who it was?—A. No, sir.

Q. Never heard?—A. No, sir.

Q. Or inquired?—A. No, sir.

Q. Who was there to prosecute the cases?—A. Sergeant Hennessey.

Q. Did you instruct him to consent to that case being put on file?—A. I did not instruct him to do anything of the sort.

Q. Do you know of any instruction being given him about it?—A. I don't think he had anything to do with it. I think the court decided.

Q. When you said the district attorney nol-prossed it or put it on file—A. No, sir; I said it was either nol-prossed or placed on file. I did not mention the district attorney's name at all.

Q. You didn't?—A. No, sir.

Q. I know you didn't mention his name, but didn't you say "the district attorney"?—A. No, sir.

Q. Somebody said it was nol-prossed.—A. Nol-prossed or placed on file, I don't know which. It was done in the presence of the court.

Q. She was brought in apparently a sick woman, and two or three doctors testified to her condition and she promised to go out of the business, and on that understanding the case was disposed of. Was not that the reason?—A. I think that was the reason.

Q. Was it a part of the arrangement that she was to go out of business?—A. That was the promise she made.

Q. Didn't you understand that she was to be let off on the plea of illness if she would agree to get out of the business and sell the stand to somebody else?—A. No; I did not so understand.

Q. Have you made any raid since the new proprietor has been there?—A. No.

Q. What is the name of the proprietor of No. 8?—A. I can't remember; I had the proprietor of No. 8 in court some time ago.

Q. Who is the proprietor of No. 8 Bulfinch street?—A. I can't think of the name; we had her in court a short time ago, but she got away.

Q. She got away?—A. Acquitted.

Q. Who is she?—A. I can not think of her name.

Q. How many officers have you watching this place, any?—A. I have not any of my own men; I call for officers from other stations.

Q. How many have you now watching the houses of ill fame?—A. I haven't any of my own men.

Q. Have your superiors sent any officers to watch those three places?—A. Yes, sir.

Q. Have they kept them there?—A. Yes, sir.

Q. Are there men watching them now?—A. Yes, sir.

Q. Watching them steadily?—A. Every night in the week; it is hard work to get evidence against those houses now.

Q. Don't they see men going in and out?—A. That don't count.

Q. Well, 33½ Green street is the fourth place of ill fame in your district?—A. Yes, sir.

Q. How long has that been a house of ill fame?—A. Ever since I have been there, three and a half years.

Q. When did you place officers there?—A. I can't tell you.

Q. When was the last raid?—A. I can't say.

Q. Who is the proprietor now?—A. I don't know.

Q. You can't tell whether they put anyone in there inside that year?—A. I think we have.

Q. Inside of six months?—A. Yes, sir.

Q. Well, 14 Pitts street; who is the proprietor there?—A. I can't think of the name. We had her in court.

Q. What does it sound like to you?—A. We had Mary Weeks and her house-keeper in court several months ago.

Q. Who is running it now?—A. I don't know.

Q. Didn't your officers report the name of the proprietor?—A. There is not much of any business there now. We have an officer in front of the door all the time.

Q. Do you know whether any persons registered from 14 Pitts street?—A. No, sir.

Q. You don't know who lives there, do you, in the way of men?—A. No, sir.

Q. Now, aside from those five places, is your district a reputable district?—A. Well, it is pretty fair. It is filled with poor people, working people; but outside of those five parlor houses we are not bothered with those houses.

Q. These are five parlor houses, and aside from them your district is respectable?—A. Yes, sir.

Q. Is Howard street on your district?—A. Yes, sir.

Q. That is a respectable street?—A. There is nothing the matter with Howard street now. There is not a gambling house or house of ill fame on it.

Q. All driven into Bullfinch street?—A. You could not get into one of them to-night unless you were vouched for.

Q. You have been in them, have you?—A. Never in my life.

Q. With a warrant, I mean?—A. Yes, with a warrant, eighteen years ago.

Q. When you were serving?—A. Yes.

Q. Well, now as to the rest of Pitts street other than 14?—A. That is all right.

Q. The persons who live there are respectable?—A. Well, with the exception of the Delta House and the Pitts Street Inn.

Q. Delta is a Greek word. Are they Greeks that keep that house?—A. That is a house where poor streetwalkers resort.

Q. That is a common nuisance under the law, is it not?—A. Yes, sir.

Q. How long has it been a common nuisance?—A. Some time.

Q. For four years?—A. I guess that is right.

Q. Well, they are running still?—A. We have been raiding it and banging it.

Q. But still it runs in spite of you?—A. We can't burn the house down. That is the only way we can get rid of it.

Q. What other houses did you say besides 14 Pitts street and the Delta House?—A. That is about all.

Q. Didn't you say something about the Pitts Street Inn?—A. Oh, the Pitts Street Inn.

Q. What is that?—A. That is about the same as the Delta.

Q. That is, another resort for women?—A. Yes.

Q. For what you call cheap prostitution?—A. That is right.

Q. The Pitts Street Inn is a resort for cheap prostitution. How many years has that been going on?—A. I don't know. That is, not very long.

Q. That started under your régime?—A. That started under me.

Q. How long has it been in existence?—A. I could not say just when it started.

Q. How long has it been in existence?—A. We have raided it once or twice.

Q. But it has been going on for more than a year, has it not?—A. Hardly.

Q. What?—A. I don't think it has.

Q. When did it start as a resort for cheap prostitutes?—A. I could not tell you the date, but it has not been running more than a few months.

Q. Who is the proprietor of that place?—A. Her name is Drysdale, I think.

Q. What?—A. Drysdale is the manager.

Q. What number on Pitts street is Drysdale's resort for cheap prostitutes?—A. It is either 11 or 15, I would not be sure.

Q. What is the number of the Delta House?—A. Well, the Pitts Street Inn is next

to the Delta House. One is either No. 11—the Delta House may be No 11 and the Pitts Street Inn may be 15.

Q. Are you under the control and receiving directions from Martin M. Lomasney?—
A. I am not under control of any man except my superior officers.

Q. The only men you are under control of are the three police commissioners?—
A. And my superintendent.

Q. And you obey their directions?—A. Yes, sir.

Q. You don't take any instructions from any politicians?—A. No, sir.

Q. Now, this caucus which you testified about as being held in 1899, was the caucus at which the fight between the present Lieutenant-Governor Guild and the present Governor Bates, was going on, when they were struggling for supremacy, for the lieutenant governorship?—A. Yes, sir.

Q. It was the Guild-Bates caucus of the Republicans, wasn't it?—A. A Republican caucus.

Q. How many officers did you have down there to keep peace in that Republican caucus?—A. A sergeant and 25 men; a lieutenant.

Q. The Republicans in that crowd were a pretty strenuous lot, were they not?—
A. Well, they were all right; nothing the matter with them.

Q. You said they were all right. You mean the Republicans were all right?—A. Yes.

Q. Was there anybody in that hall who was not all right?—A. I did not see him.

Q. So everybody there was all right?—A. I saw no trouble in the caucus, at all.

Q. There was not any trouble complained of?—A. The newspapers had a lot of tattle.

Q. But it was all false?—A. I did not see it.

Q. Did you see any newspaper reporters there?—A. May have been. I did not see them.

Q. Did you see any reporters there?—A. They must have been there.

Q. They must have been there. They are everywhere, are they not?—A. Yes.

Q. I don't know exactly what purpose they had in bringing that caucus out in this case, but I will bring it out to-morrow. You saw at least one Democrat in that caucus?—A. Yes; I saw him.

Q. Standing there as a spectator?—A. Yes; he did.

Q. You saw Republicans in that caucus who did not live in the ward, didn't you?—A. There was one Republican—Mr. Krebs.

Q. Franz Hugo Krebs?—A. Yes.

Q. Did he live in that ward?—A. No, sir.

Q. He did not live in the ward and Lomasney did?—A. Yes, sir.

Q. Did either of them, in your opinion, have any right at that caucus at that time?—A. Mr. Krebs was there through the courtesy of the board of police.

Q. You would not have allowed him to be there if the board of police had not authorized it?—A. No, sir.

Q. Then you understand the board of police authorized him to stay there when he had no legal right to stay there?—A. He was there through the courtesy of the board.

Q. You were told to leave him there?—A. I had orders to take care of him.

Q. And you did take care of him?—A. Yes, sir.

Q. Did you have any orders to take care of Joseph Lomasney?—A. No, sir.

Q. You had orders to let him take care of himself?—A. I had no orders.

Judge BARNES. He did not say Joseph Lomasney was there.

Mr. MORAN. Pardon me; I meant to ask about Mr. Kiley. You had no instructions to protect Kiley?—A. No, sir.

Q. So that, so far as the board of police or the police department was concerned that night, you and your 25 subordinate officers in that caucus room were to protect the Republicans?—A. We were to keep order and see that the law was enforced.

Q. But you were especially instructed to look after Krebs?—A. I understood he was there through the courtesy of the board, and was to look after him and see that he was not injured in any way.

Q. You were not there, then, by direction of the board or any of your superior officers to look out for any Democrat and protect them or to run the caucus in their behalf?—A. In behalf of the Democrats?

Q. Yes.—A. No, sir.

Q. Or to obey the orders of any Democrats?—A. No, sir.

Q. But you were instructed to allow the Republicans to run their own caucus and not to allow any interference by any Democrat?—A. Yes, sir.

Q. And your superior officers gave you their instructions, that that was a Republican caucus and it was to be run by the Republicans, and the Democrats were not

to be allowed to interfere?—A. They did not give me any special orders for that caucus, with the exception of looking after Mr. Krebs. I got that from the deputy.

Q. Was Krebs doing anything there?—A. Well, he was doing considerable.

Q. What?—A. Doing considerable running up and down.

Q. Running up and down where?—A. In the room, talking with different people.

Q. What was he doing in the way of talking?—A. I could not say.

Q. Was he soliciting votes?—A. Not that I know of.

Q. What did you suppose he was doing—he a stranger in the ward, and having no permission to be there except from the board of police, running round in the caucus?—A. Why, he was talking with the chairman of the ward and city committee and with different people who were taking part in the caucus. I didn't know that he was violating any law in doing it.

Q. Didn't you know that he was soliciting votes there for somebody?—A. I could not say that.

Q. You would not have allowed him to do it if you knew it, would you?—A. No, sir.

Q. You would not have allowed it even if your superior officers told you to?—A. No, sir.

Q. But Mr. Kiley did nothing but stand and watch?—A. He stood in the corner and watched the proceedings.

Q. And watched the proceedings?—A. Yes, sir.

Q. He did not interfere with the caucus in any way?—A. No, sir.

Q. He did not solicit anybody or go running round as Krebs did, did he?—A. He didn't take any part in the caucus whatever.

Q. There was more or less protest there, was there not, as to Krebs's activity?—A. There was.

Q. And certain persons made complaint that Krebs had no legal right there, that he ought to be ejected, and that he was interfering with the voting?—A. Yes, sir.

Q. Why didn't you eject Krebs when complaints were made to you?—A. I did eject him.

Q. How long did you allow him to stay there after the complaints before you ejected him?—A. Not but a few minutes.

Q. You did not eject anybody else, did you?—A. The superintendent put everybody out. He was deputy then. He was ordered out of the place. The superintendent first came in and put everybody out except those standing in line.

Q. Was that the first time Krebs went out?—A. Not then. He went out after the rest.

Q. You did not put Krebs out because complaint was made of him, did you?—A. I did. I told him to go out.

Q. You allowed him to stay there until Deputy Pierce came in and ordered everybody out, and then you let Krebs go?—A. I hadn't been in there but just about a minute when the deputy came.

Q. Was there any crime committed at that caucus?—A. Not a particle.

Q. Have you seen any crime committed in any caucus at which you have been present in the last four years?—A. No; I have not seen it.

Q. If you had seen any crime committed at any caucus during the last four years there, whether by a Republican or a Democrat, you would have made an arrest or directed your officers to do so, would you not?—A. Yes, sir.

Q. Have you directed your officers to make arrests for all crimes committed in their presence?—A. Yes, sir.

Q. And if they have not complied with your orders, have you put them before the police board?—A. They have always complied.

Q. If they failed to comply would you put them before the board?—A. Yes, sir.

Q. Have you given the officers who attended the election booths on election day instructions to prevent the violation of law?—A. Yes, sir; the instructions are very strict.

Q. Have any of your officers, during the last four years, violated any of the election laws or been in any way known to do so?—A. Not that I know of.

Q. If any of them had done so would you have put them before the board of police?—A. I certainly should.

Q. You have not put anyone before the board for four years for doing that, have you?—A. No, sir.

Q. How frequently do you make reports to your superiors, the police commissioners?—A. In regard to what?

Q. In regard to the condition of your district as to the existence or nonexistence of houses of ill-fame?—A. Whenever the superintendent happens to call for them.

Q. How frequently are they made?—A. Not very often.

Q. Every two or three months?—A. If we make a prosecution we report that on our morning reports.

Q. Don't you have to report to the police commissioners the condition of the district from time to time, whether it is free from houses of ill-fame?—A. Whenever they call for it.

Q. How often do they call for a report?—A. Not very often.

Q. Did they, within a period of six months prior to January 1, 1903, call for a report as to the existence or nonexistence of houses of ill-fame in your district?—A. That I don't remember.

Q. Didn't you read in the paper about the statement made to Mayor Collins by the commissioners, that there were no houses of ill-fame at the present time, meaning January 1, 1903?—A. I did not read it.

Q. In Boston?—A. I did not read it.

Q. If any such statement was made it was not accurate?—A. I can't say.

Q. Your district had at least five houses on it January 1, had it not?—A. Suspected as such.

Q. You prosecuted and convicted Minnie Howe since then, did you not?—A. I don't know anything about the report at all.

Q. I did not ask you that. I say you convicted Minnie Howe since January 1, 1903?—A. I don't think so. It was before that.

Q. And her case was pending a great many months, wasn't it?—A. Yes.

Q. When did you learn that she sold out?—A. I haven't learned it yet.

Q. You think she is still running the house?—A. She has gone from there, I understand. That is the report. Minnie Howe was never seen in the house. When she was there you could not find her in the house.

Q. Then you don't know whether she is there or not?—A. I would not want to say.

Q. It is impossible for you with all your officers to find out whether she is there or not?—A. I have had dozens and dozens of officers, and with evidence to convict the house, and could not find whether she was proprietor of the house all that time.

Q. You always prosecuted the dummy?—A. We were compelled to prosecute the person in charge.

Q. Did not the police department make a trade with the person in charge to plead guilty and pay a fine?—A. Not under my command. I would not allow them to put her into court until I had evidence enough, and that evidence had to be submitted to me. I make no bargains with these houses at all. We put in all our prosecutions under the charge houses of ill-fame, not the common nuisance law at all. The houses of assignation are put in under the ironclad law.

Q. How many houses of assignation as distinguished from houses of ill-fame are there in the district?—A. I could not say.

Q. How many houses of assignation have you got now?—A. I can't tell you.

Q. How many do you think?—A. I would not pretend to say.

Q. Have you not some idea?—A. No, sir.

Q. Do you think you have 40 or 50?—A. I could not say.

Q. A hundred?—A. I could not say.

Q. Do you mean to say that as captain of the district you don't know whether there are a hundred houses of assignation in the district?—A. I don't know.

Q. Do you know how many you have?—A. I could not state till I got the evidence.

Q. How many do you think you have?—A. I have no idea.

Q. You swear that you don't know that you had a hundred houses of assignation in your district? Do you want to swear to that?—A. No, sir; we have convicted—

Q. I don't ask you that. How many, I ask, have you there now?—A. I can't say.

Q. Have you any places being watched now?—A. Every street on my district is being watched.

Q. For houses of assignation?—A. For every kind of crime.

Q. For that specific crime?—A. That with the rest.

Q. How many streets have you being watched for that crime?—A. No particular street; every street is watched for crime of all kinds.

Q. Including that one?—A. That one, too.

Q. Do you know Officer Hyland?—A. He is my sergeant.

Q. Where does he live?—A. I believe he lives over here somewhere.

Q. In East Boston?—A. Yes; in East Boston.

Q. Have you ever seen Mr. Conry?—A. I believe this is Mr. Conry [pointing to Mr. Conry]. I never had the pleasure of an introduction to him.

Q. Never had any talk with him?—A. No; never in my life.

Q. Or with his lawyers?—A. Not with anybody on this case.

Q. Now, did you receive any written report from the two police officers that have been on the stand here to-day?—A. No, sir; it was not necessary.

Q. Did you receive any verbal report from either of them?—A. Yes.

Q. When did you receive any verbal report from either of them?—A. Four o'clock of November 4, the day of the State election, shortly after the polls closed.

Q. Where were you at the time?—A. In my private office.

Q. When did you put the sergeant at work on that case?—A. Right away; at that time.

Q. The same night?—A. Right away, while reporting the thing. I called the sergeant in. He happened to be in the next room, and when the officer reported the case I called him right in and ordered him to go ahead and prosecute, and if there was evidence enough, if they could find the man's name, to get a warrant and put him into court.

Q. Did Officer Wyman tell you that he knew the man's name was not Kelly?—A. He said he had always known him—

Q. Pardon me. Did Officer Wyman tell you, on the afternoon of November 4, 1902, election day, that that man's name was not Kelly?—A. No, sir.

Q. Did Officer Lalor tell you on that afternoon?—A. I had not any conversation with him about the case.

Q. Did you ever have any talk with him about the case?—A. Never.

Q. Did Wyman tell you that he was told, "You know that man Wyman; his name is not Kelly; do your duty?"—A. No; he did not tell me that.

Q. Did Wyman tell you that he was told by someone outside the window anything at the time this man Scottie came to you?—A. It seems to me he intimated something—

Q. Not intimated, but told.—A. I think he said somebody called his attention to this man as he came in.

Q. What did he say was said to him?—A. He did not say.

Q. Didn't you ask him what was said to him?—A. No, sir.

Q. Didn't you have any curiosity to know what information the officer had?—A. I let him tell the story.

Q. After he told the story didn't you have any curiosity to know what information was conveyed by some citizen?—A. I asked who the man was; he said he knew him by the name of Scotty and didn't know the last name.

Q. Didn't you ask what was said to him by this man?—A. No; he said his attention was called to him on the outside, and he knew him for a number of years by the name of Scotty, but did not know his correct name.

Q. Did you know his correct name?—A. I never saw or heard of him until that time.

Q. Were you on that day at any of the precincts?—A. No, sir; I was in the station all day; I might have been out in the morning; I don't remember; it was either the city or State election day that I stayed in the station; I might have been out in the morning.

Q. You said you were on Bulfinch street the day of the State election?—A. I did not say that.

Q. You know where precinct 4 of Ward 8 is—where the polling booth was?—A. Precinct 5?

Q. No; do you know where the booth of precinct 4 was?—A. I think on McLean street.

Q. Who were your officers down there on that day?—A. Can I refer to a memorandum?

Q. Yes.—A. Gray, Cameron, and Tomlinson.

Q. Give me their full names.—A. I have not got them. I think Gray's name is Loren B. Gray. Cameron and Tomlinson, I have not their full names.

Q. Did you receive a report from Gray, Cameron, or Tomlinson that there was any violation of the election law at that precinct on that day?—A. No, sir.

Q. Did you receive a report from either one of these three officers that Mr. Kiley, with a man named Stack went into the booth, and that Stack voted on the name of somebody else?—A. No, sir.

Q. No such report ever made to you?—A. No, sir.

Q. You never heard of any such thing?—A. Never heard of it.

Q. Did a man named Donovan, who testified the other day—Francis X. Donovan, ever make any complaint to you or any officer about any illegal conduct by Mr. Kiley, or anyone else, on election day?—A. No, sir; I never heard of him.

Q. How long has Officer Gray been on the force?—A. I could not say how many years—several years.

Q. How old a man is he?—A. I should say he was a man of 50, or somewhere around there.

Q. Is he a reputable officer?—A. A good, honest man.

Q. Is his word good?—A. His word is good.

Q. A truthful man?—A. Never knew him to lie.

Q. Is Cameron a truthful officer?—A. Yes, sir.

Q. A reliable man?—A. Yes, sir.

Q. And his word is good?—A. Good for me.

Q. Is Tomlinson a reliable man?—A. Yes, sir.

Q. A truthful man?—A. Yes, sir.

Q. His word is good?—A. Yes, sir.

Q. Are either one of these three men such as would permit a violation of law to take place in his presence when there was so much talk about it that he could not fail to notice it?—A. No, sir.

Q. They would not have allowed any such thing to happen?—A. I don't think so.

Q. If they had allowed any such thing and you knew about it would you have put them before the police board for failing to perform their duties?—A. I certainly should for the purpose of putting them there.

Q. Now, I will call your attention for the same purpose to the testimony of Mr. Donovan. While two of your officers were present Kiley and Stack went into that place and in the presence of your officer Stack declared his name to be Charles Donovan and gave a false address, and one man behind the rail said that that name had been crossed off; that Kiley said it was not crossed off; and that Stack went through, received a ballot and voted. That is his direct testimony—while your officers were there present. Will you, if I present to you a verbatim copy of the testimony written out by the stenographer, upon the statement of that man Donovan, make complaint against your officers before the board?—A. No, sir.

Q. You won't?—A. No, sir.

Q. Why not?—A. I don't believe Donovan—not one word that he said.

Q. Don't you think you better leave that to the board of police?—A. I shall not make any complaint of my officers on the word of this man.

Q. Do you know Francis X. Donovan?—A. No, sir.

Q. You don't know whether he is reliable or not?—A. No, sir.

Q. But his statement is of such a nature that you would not believe it against those three officers?—A. I can not believe it.

Q. Therefore you would not act on it?—A. No, sir.

Redirect examination by Mr. MALLEY:

Q. If you were standing, Captain, at a booth, and a man came up to vote, and he was told by the clerk that his name was checked off, and then the warden of the caucuses was appealed to and came down and said that the name was not checked off, then as a police officer you would not have done anything, would you, as long as the warden said the name was not checked off? You would have to permit that man to vote then, would you not?—A. I don't understand your question. It is too long.

Q. You have been cross-examined by Mr. Moran with reference to a story which Mr. Moran says Mr. Donovan told us of what happened at a certain precinct in Ward 8, and Mr. Moran asked you if you would have made a complaint against the police officers for what action or nonaction they were responsible for there, and you said, no. Now I ask you upon this set of facts what you would have done as police officer, or what the duty of a police officer would be if a man comes in to vote, and upon going up to the clerk or checker announces his name, and the checker says that name is checked off as one who had voted, and then the warden is appealed to and he comes down and announces and decides that the name was not checked off and the man might vote, then as a police officer it would not be your duty to interfere, would it?—A. It would not.

Q. So that if Mr. Donovan had told a story similar to the one I have stated, and the police officer had agreed the story might be true, the police officer would not have acted?—A. No.

Q. And if the officer had heard the name and both the names were unknown to the officers, and the warden said the name was not checked off—A. If the warden was satisfied, and the name was unknown to the officer, of course he would not have the right to interfere.

Q. That would be something in which the officer would not have a right to interfere?—A. I should say not.

Q. And that would be something to be brought out against those controlling the booth as election officers?—A. I do not see where the officers would be to blame at all if that is the case. I questioned my officers on that subject.

Cross-examination by Mr. MORAN:

Q. What do they say?—A. They say nothing of that sort ever happened in that booth on that day.

By Mr. MALLEY:

Q. Whom did you question?—A. The officers in the booth, Mr. Cameron and Mr. Gray.

Q. Where was Officer Clark?—A. He was not there at all. He was out on his route.

Q. Did he do nothing in the booth?—A. No, sir; he was not there that day.

Q. Whether they would be the same set of facts there or not, the officers would not have a right to interfere?—A. If I understand your question, they would not. If the man finds his name, or the supposed name, and the warden is satisfied that it was not checked, the warden made no objection, the officer would not have a right to interfere. It might be a case for the officer to investigate afterward.

Q. If it was called to his attention at the time?—A. Yes.

Q. Now, Captain, when you stated that there were this number of houses of ill fame in the district, you mean there was that number reported to you and you have them under your supervision all the time?—A. Yes, sir; we have to have evidence to prosecute them. I never get a warrant until I have sufficient evidence to make a pretty fair show in court.

Q. And that was why you said they were houses of ill fame, you had received reports of them, and you are now busy in holding them under surveillance, and as soon as you get evidence enough you intend to prosecute them and take them to court, if the evidence warrants it?—A. We always do that.

Q. What wards does your district cover?—A. Part of Ward 6, part of Ward 11—

Q. The whole of Ward 8?—A. Yes.

Q. What portion of Ward 6?—A. A small portion in the upper end, up near Court street.

Q. A very small part of 6?—A. I have only one booth in it.

Q. Practically the principal part of your district is Ward 8?—A. Part of Ward 11.

Q. The swell 400 and the swell black 400? It takes in the whole ward? Are you quite sure that at this caucus in 1899 Joseph P. Lomasney was not present?—A. He might have been there before I came. He was not there while I was there.

Q. You know him when you see him?—A. Yes. I don't remember seeing him at all.

Q. Are you quite sure that Krebs is the one who was put out at that caucus?—A. Put out?

Q. Yes; ejected.—A. He was ordered to get out, and while trying to protect him I allowed him to stand at the foot of the steps as you come into the hall. He was not put out on the street with the rest.

Q. Where was the caucus held?—A. In the basement of the schoolhouse, the Wells School, corner of McLean and Blossom street.

Q. Was Mr. Krebs known as an adherent or supporter of Mr. Bates?—A. I don't know who he was for.

Q. When he attended by courtesy of the police commission was he not there in behalf of some candidate?—A. I was not told that, but simply to look out for him, and that he was there through the courtesy of the police commission.

Re-cross examination:

Q. Didn't Mr. Krebs put you before the board of police for what happened that night?—A. Yes.

Q. And how many other officers did he put before the board for what happened that night?—A. I think half a dozen.

Q. What was the complaint that he put you before the board for?—A. I don't know. It covered about everything except murder.

Q. What was the complaint?—A. Neglect of duty. Neglect of people who assaulted him, including interference with the running of the caucus. I don't know; there were a couple of sheets of charges.

Q. Were you guilty of any of them?—A. Not guilty.

Q. You pleaded not guilty before the board?—A. Yes, sir.

Q. Was there a trial of you and your fellow officers?—A. Yes, sir.

Q. Who was counsel for you and against you?—A. Mr. Bangs for the police officers.

Q. He was in the employ of the board as an attorney?—A. Yes, sir.

Q. He appeared to defend the officers?—A. Yes, sir.

Q. Including yourself?—A. Yes, sir.

Q. Who was counsel against you?—A. Mr. Callender, A. F. Hayes, and Mr. Engstrom.

Q. Did that hearing continue until 2 or 3 o'clock one morning?—A. I think about half past 2 it wound up.

Q. What was the result of the hearing?—A. We were all exonerated.

Q. All found not guilty?—A. All found not guilty.

Q. Is Bullfinch street in Ward 8 or 6, or Ward 11?—A. I think that is in Ward— it is not in Ward 8.

Q. It is a little ways from the State house, is it not?—A. Yes; at the foot of the hill.

Q. You could throw a baseball from the State house to those three places you spoke of, could you not?—A. If you had a good strong arm.

SIMON GOLDBERG, sworn.

By Mr. MALLEY:

Q. What is your full name?—A. Simon Goldberg.

Q. Where do you live?—A. At 60½ Margin street.

Q. You live there now?—A. Sure.

Q. Does your wife live there?—A. Yes.

Q. Were you living there last Tuesday night?—A. For the last three years.

Q. Last Wednesday, too?—A. Yes, sir; sure, indeed.

Q. What is the name of the woman that comes to the door?—A. It all depends upon which door.

Q. How many flats there?—A. Three. I live on the street floor.

Q. You were chairman in 1900 of the Republican ward committee of Ward 8?—A. Yes, sir.

Q. And you made up a list of precinct officers who were to serve as election officers at the polls November 4, 1902?—A. It is the ward committee.

Q. You handed in the list of names, didn't you?—A. I did not.

Q. Who did hand it in?—A. Mr. Berwin.

Q. The committee made up a list and gave it to you as chairman, didn't they?—A. Yes.

Q. Just the members of the committee themselves made up the list?—A. Yes.

Q. Did one Moses Rubin have anything to do with it?—A. Well, not particularly.

Q. He was on the committee, was he not?—A. No, sir; he was not.

Q. Have you learned since your testimony here two weeks ago, what the names of the committee are that served with you in 1902?—A. I perhaps can name a few of them.

Q. Can't you name them all now?—A. I can not. That does not bother me at all.

Q. Have you looked them up?—A. No, sir.

Q. It does not bother you?—A. No, sir.

Q. If you don't know their names you don't know their party politics?—A. You did not ask me.

Q. That is, you learn a man's politics before you learn his name, and if he says he is a Republican you don't ask his name, but simply say "Come on and serve?"—A. I did not say so.

Q. Did you have a caucus to elect the members of the Republican ward committee down there?—A. Sure.

Q. You were one of the Republican ward leaders in Ward 8, were you not?—A. Not exactly.

Q. Were you in 1902?—A. I was a member of the ward committee.

Q. Were you a leader working under a Democratic mayor?—A. What difference does that make?

Q. Not a bit of difference. Answer the question. A. I said yes.

Q. Will you please state the names of the committee, as many as you remember now?—A. Well, a few that I can remember the names of.

Q. State their names and addresses as nearly as you can remember.—A. I don't think I can tell their addresses.

Q. State their names.—A. Mr. Louis Rosenstein and Smith—

Q. You said yes to Louis Rosenstein?—A. I don't know their first names.

Q. What is the next?—A. Abram W. Smith.

Q. He was a friend of yours?—A. Yes.

Q. Where does he live?—A. He keeps a place of business on Green street.

Q. What is the other man?—A. A. B. Seelig.

Q. Where does he live?—A. On Auburn street, I think.

Q. What number Auburn street?—A. If I am not mistaken it is 60.

Q. He is the third. Go ahead. A. There is another fellow by the name of Dewey.

Q. What Dewey?—A. Mr. Dewey.

Q. What is his first name?—A. I don't know.

Q. Do you know where he lives?—A. I don't. I know he occupies an office in the Herald Building, a constable.

Q. Who else?—A. Myself.

Q. That is five?—A. And I think there was a man by the name of Greenside.

Q. What is his first name?—A. I don't know.

Q. Where does he live?—A. In the west end somewhere.

Q. What street?—A. I don't know.

Q. Name within two streets of it?—A. I can't say whether Brighton street, Auburn, or Barton.

Q. What is the other member of the committee?—A. I can't remember all.

Q. How many in all?—A. Eight I think.

Q. Eight besides you?—A. I think eight in all.

Q. There is a couple of others whose names you forgot?—A. I don't remember.

Q. After you testified two weeks ago and you realized that you could not tell the names of your fellow workers in the Republican party in Ward 8?—A. I could have told you some of the names two minutes after.

Q. You are rather ashamed of the fact that you could not tell the names?—A. Not particularly ashamed of it.

Q. It irritated you to think that you could not tell the names of your fellow-workers in the party?—A. I did not see any fault in that.

Q. You did not attempt to refresh your recollection as to the names of your fellow-workers?—A. As I said, I could have mentioned a few more names after I went off the stand.

Q. As a member of the Republican committee and chieftain in Ward 8?—A. Yes.

Q. Were you not somewhat irritated to know that you could not remember, under oath, the names of your fellow-committeemen?—A. If I could not remember what good would it do me?

Q. Didn't you think it would impair your standing with the Republican party not to know your fellow-committeemen?—A. I don't think it would.

Q. Did you think that the Republican party at any caucus set you up to match the wiles of Martin Lomasney?—A. What is that?

Q. Did you feel competent to set your ingenuity to work against his for your representative parties in Ward 8?—A. Perhaps I am just as able a man as he is.

Q. You were just as willing to go and do battle?—A. Well, if it requires it.

Q. Did you know a man named Glover that was on the ward committee?—A. Yes, sir.

Q. That is one of the names you forgot?—A. That is right.

Q. Where did he live?—A. Somewhere in McLean or Allen street.

Q. Did you know Emory Smith down there?—A. Ellery Smith?

Q. Yes?—A. In the ward committee.

Q. Wherever he is, do you know Ellery Smith? Is he in the office of Jesse M. Gove?—A. Oh, Mr. Smith; yes, sir.

Q. This man is a nephew of his, is he not?—A. I don't know.

Q. Now what names did you send in or suggest for precinct officers, you yourself?—

A. We only had a few for candidates.

Q. What names did you suggest?—A. I can't say.

Q. What reason did you consult Max Stone and Jacob Barbour for in selecting precinct officers?—A. How do you know I consulted them?

Q. Did you not consult them?—A. I did not.

Q. Did they bring in some names to you?—A. No, sir.

Q. Jacob Barbour did not bring you a list of names, eight in all, that he wanted to put on as Republican precinct officers in Ward 8?—A. No, sir.

Q. Did he give you any names?—A. No, sir.

Q. Did he give you six names?—A. No, sir.

Q. Did Max Stone bring you six or eight names?—A. No, sir.

Q. Did either one, together or separately, individually or collectively, bring you any names to be put on the list of Republican precinct officers in Ward 8 to serve as such at the polls?—A. They did not.

Q. Didn't you keep that list of names at your house and have it not less than ten days ago?—A. They never gave it.

Q. Haven't you that list at home?—A. No, sir.

Q. Didn't you have it ten days ago?—A. No, sir.

Q. Why didn't you tell Moses Rubin?—A. No, sir.

Q. Didn't you tell him at 28 School street that you had a list of officers that Jacob Barbour brought you?—A. I don't think I did.

Q. Did you have a conference with William Berwin and Moses Rubin about ten days ago in their office, 28 School street?—A. No, sir.

Q. Were you not present there?—A. No, sir; I called at Rubin's.

Q. Didn't you call at Berwin's office?—A. No, sir.

Q. Didn't you call at Berwin's office?—A. No, sir; at Mr. Rubin's.

Q. They are on the same floor, are they not?—A. Yes; but far apart.

Q. You were in Rubin's office, were you?—A. Yes, sir.

Q. And you had some talk with him about testifying over here?—A. No, sir.

Q. Was not the matter of your testimony over here brought up two weeks ago?—A. No, sir; he sent me a postal card that he wanted to see me.

Q. Didn't he advise you to come over here and undo what you had done, and tell the truth?—A. He never did.

Q. Do you know Harry Dubinsky?—A. Yes, sir.

Q. Who suggested his name as precinct officer?—A. I don't know.

Q. Did you?—A. No, sir.

Q. You sent his name in on the list?—A. His name was on the list.

Q. You know Max Stone and Jacob Barbour?—A. Yes, sir.

Q. They are both Democrats, are they not?—A. I don't know their politics.

Q. Don't you know Jacob Barbour is superintendent of peddlers?—A. It ain't necessary for me to know.

Q. What does he do?—A. I don't know what he does.

Q. Who does he work for?—A. For the city of Boston.

Q. In what department?—A. I don't know.

Q. How long have you known him?—A. Four or five years.

Q. How many years have you known Max Stone?—A. For the same period of time.

Q. What does he do?—A. I don't know what he does.

Q. Does he work for the city of Boston?—A. I don't know; perhaps he does.

Q. Have you not been up to 11 Old Court-House to see Max Stone?—A. Never was in my life.

Q. Do you know that Harry Dubinsky when he was appointed precinct officer had voted for the first time that year?—A. No.

Q. Did you know that he was not assessed at all on the supplemental list of 1902?—A. I did not.

Q. Do you know now anything about it one way or the other?—A. When you tell me I know.

Q. You don't know who suggested him, do you?—A. No.

Q. Would it surprise you to know that Jacob Barbour and Max Stone had?—A. I don't know.

Q. Do you see Dubinsky?—A. No, sir.

Q. Do you know where he lives?—A. No, sir.

Q. Have you ever known where he lived?—A. No, sir.

Q. What did you know when he came to act as precinct officer of the Republican party?—A. That he was recommended by some committee.

Q. Who recommended him?—A. I don't know.

Q. Was it Toomey on the Republican ward committee?—A. I think it was.

Q. Don't you know?—A. I think it was.

Q. Have you any list of those names that made up the Republican ward committee of which you were chairman?—A. No, sir.

Q. Have you any records to show who the members of the committee were?—A. I was not the maker of them.

Q. Have you any list to show what the names of the committee were?—A. Oh, I ain't got it.

Q. If you wished to call a meeting and were to send out notices, where would you get the list of names?—A. There was a book furnished by the city committee.

Q. Have you that book with you?—A. No, sir.

Q. Where did you see it last?—A. I saw it at the city committee room.

Q. You have not any book at home?—A. No, sir.

Q. So that in order to call a meeting you go to the rooms of the central committee in the city and write off the list?—A. I could take the book with me.

Q. You would have to go up to the room to get the list?—A. Yes.

Q. Did you ever have a book?—A. I can't say.

Q. Did you ever have a book?—A. Perhaps I did.

Q. Do you know whether you ever had a book or not?—A. I can't say for sure, yes or no.

Q. Did you do any assessing last fall?—A. No, sir.

Q. I mean swear up to the residences of certain men you wanted put on the voting list?—A. No, sir.

Q. Or the year before?—A. No, sir.

Q. Who attends to the assessment of persons in the interest of the Republican party down there—getting men to put their names on the voting list and assessors' list?—A. If a man is off the list, he gets a couple of men that he knows and they go and get him a check.

Q. Is there any member of the Republican ward committee to attend to that?—A. No, sir.

Q. Don't consult anyone?—A. No, sir.

Q. Did the committee attend to it?—A. No, sir.

Q. Then there was nobody attending to the voting and assessors' list for the Republican party in 1902?—A. There was no appropriation.

Q. And you would never do anything without first seeing the appropriation?—A. If I could get it.

Q. You did not have the Republican party at heart; it was the money you were after?—A. It was not.

Q. Then you did not need any appropriation, did you?—A. What do you mean by that?

Q. You were not after money, were you?—A. I said there was not any appropriation for that. I did not say that I was seeking money.

Q. Then there was no reason why you did not do it?—A. Nobody asked me to go and have them assessed.

Q. You did not ask anyone else?—A. I don't think I did.

Q. You had plenty of time at that time to attend to it?—A. I don't think I did.

Q. Where were you working last fall?—A. I was working for the city.

Q. What department?—A. The same department, the sanitary department.

Q. Your duties were not very arduous there, were they?—A. At times.

Q. Did you understand what I meant by arduous?—A. I understand it very well.

Q. What does it mean?—A. To me it means hard labor or something of that sort.

Q. Your duties were not arduous; you did not do any hard labor?—A. I am not put there for that purpose.

Q. All you had to do was to sit in a little house and keep the fire going?—A. Something else besides; I kept track of teams.

Q. Did you keep a book for that purpose?—A. Reports daily on printed slips.

Q. To whom did you turn in the reports?—A. The foreman.

Q. What foreman?—A. Foreman of the West End yard.

Q. Did you sign your name to the reports?—A. Well, it was not necessary.

Q. You had been working there ever since your testimony here two weeks ago?—A. No, sir.

Q. Were you suspended from working there?—A. No, sir; I work in the same place, not in the place where I worked last fall.

Q. What are you doing now?—A. I testified before what I did.

Q. What do you do now? What did you do yesterday?—A. Whatever was assigned to me; see that the place should be clean, and so on.

Q. So you worked yesterday, did you?—A. Certainly.

Q. You worked seven days in the week?—A. Yes, sir.

Q. Wasn't yesterday Sunday?—A. It was out of my mind that it was Sunday.

Q. What did you do the last working day you worked for the city of Boston?—A. My usual way of working.

Q. What time did you go to work Saturday?—A. Seven o'clock we go on.

Q. What time did you go on?—A. Seven o'clock.

Q. What time did you get through?—A. Saturday we get through at 7 o'clock.

Q. What did you do all Saturday morning?—A. Did some cleaning.

Q. What did you clean?—A. That is the same question over again.

Q. What did you clean to-day?—A. Whatever they gave me to do.

Q. What did you clean?—A. Some part of the yard I was supposed to keep clean.

Q. What did you clean it with?—A. A broom.

Q. You swept a part of this yard with a broom. This was the arduous labor. You took a broom and swept off part of the yard, did you, and that was from 7 o'clock until 12?—A. There are other things to do. I can't mention all. You have to give the numbers of the teams that go out.

Q. Now, what was your chief line of work there? Of course there are lots of little things you can not think of as a busy man. But what was the chief thing?—A. As I have said,

Q. Cleaning?—A. Yes, sir.

Q. You can't say what you were cleaning?—A. I have said several times already, the yard.

Q. That is, you used to take a broom at 7 o'clock in the morning and work until 5 at night keeping that swept?—A. Not necessarily.

Q. You never held any political rallies in Ward 8 for the Republican party?—A. At what election?

Q. Previous to the last election.—A. Yes.

Q. Did you hold any in the last campaign in Ward 8?—A. We did.

Q. Where did you hold them?—A. In Schwartz Hall, Leverett street.

Q. Who were the speakers?—A. Myself, Gettermann, and Mr. Rubin, Mr. Berwin, and a gentleman named Alexander.

Q. In whose interest was that rally held?—A. In the interest of the Republican candidates, Mr. Witt and all the others.

Q. Do you remember how many votes Mr. Witt got as the result of your rally in Ward 8?—A. No, sir; I can't say.

Q. How many votes did Mr. Witt get, the Republican candidate for Congress?—A. I can't say.

Q. Got any idea?—A. No, sir.

Q. Did you have to make any report, as chairman of the Republican ward committee, to the city committee—to the president or secretary?—A. Not necessarily.

Q. Did you have to go and tell the general officers—the president and secretary—how things were going on in Ward 8?—A. They get reports from the press quicker than I can give them.

Q. You never went down or bothered about going down?—A. They never asked me to do it.

Q. Do you know whether the Republican vote was smaller or larger than in the preceding year in Ward 8?—A. Well, for the head of the ticket there was a little increase.

Q. This time, over the vote of the year before for the head of the ticket?—A. Yes, sir.

Q. That was due to your work at the rally?—A. Perhaps so.

Q. How about the vote for Congressman as compared with the vote for the Republican candidate in 1900?—A. I can't recollect that. I did not pay attention to it.

Q. You never paid any attention to the vote?—A. I knew who was running.

Q. You did not pay any attention to the vote?—A. It is always the head of the ticket we look out for.

Q. How long have you known Max Stone?—A. Four or five years.

Q. Known him pretty well, and friendly with him?—A. Yes, sir.

Q. How long have you known Jacob Barbour?—A. About the same time, and perhaps a few years longer.

Q. You don't know whether they are Republicans or Democrats?—A. I would not say a man's politics, because you can't vouch for them.

Q. Were they Republicans?—A. I don't know.

Q. As chairman of the Republican committee, knowing these two friends for four or five years, you can't now say they are Republicans?—A. I can't say for anybody.

Q. Were they present at the rally at Schwartz Hall?—A. No, sir.

Q. Did you ever seek, as a political missionary, to lead them over to the Republican party?—A. No, sir.

Q. You never mentioned politics at all to them?—A. I can not say.

Q. Did you learn that they were both Democrats?—A. I can't say how a man votes.

Q. What was their political affiliation from their talk with you?—A. I never inquired.

Q. If you learned that one of your friends had assessed about 42 or 43 voters, you would be somewhat surprised to learn that he never spoke to you about politics?—A. How does that concern me?

Q. If you knew that a friend of yours was active enough to assess within six months 43 men and get them on the voting list, would not that make you believe he was active in some political party?—A. Yes; if I had known it.

Q. If they had done that and you were chairman of the Republican party and knew they were not active, you would think that they were pretty active?—A. I did not know what they were doing.

Q. Now, have you had any talk in the last ten days with Moses Rubin about what you were to testify to here to-day?—A. Not about any testimony.

Q. Did you have any talk about what you had said on the stand some two weeks ago?—A. I don't think I did.

Q. Did you have any talk about politics and this investigation?—A. No, sir.

Q. What were you talking about?—A. About the ward committee.

Q. Of Ward 8?—A. Yes, sir.

Q. Are you still a member of the committee?—A. No, sir; he is a member.

Q. What was the conversation?—A. He feels somewhat sore because he is not chairman of it, as he expected.

Q. Who is chairman?—A. Mr. Zarling. He thinks that I was instrumental—

Q. In not advancing him?—A. In not advancing him, perhaps.

Q. Why didn't you run for chairman?—A. I didn't care to.

Q. Then Berwin joined in the conversation, didn't he?—A. No, sir.

Q. Did you have any conversation with Rubin, as to what you have testified to here to-day, in the last ten days?—A. I don't think I did.

Q. Will you swear you did not?—A. I swear to everything I say.

Q. What did you talk with Berwin for?—A. I did not go to him. I went to Rubin's office, that is all.

Q. What did you talk to Berwin within ten days?—A. I can't say.

Q. About politics?—A. I can't remember.

Q. Did you have any talk at all about the formation of the Republican committee in Ward 8?—A. I don't think I did.

Q. You say you think Rubin is sore because he is not made chairman of the ward committee?—A. Yes.

Q. Did you do anything to favor any other man?—A. I favored Zarling.

Q. You thought he would be a better man?—A. In my opinion.

Q. More capable to take charge of the Republican interests?—A. Yes.

Q. A more worthy successor of you?—A. Yes, sir.

Q. Better fitted to fill your shoes?—A. In the delicatessen business.

Q. What is that, frankfurts and sauerkrauts—pickle business?—A. Somewhere around there.

Q. What is Rubin's business?—A. Lawyer.

Q. Office at 28 School street?—A. Yes, sir.

Q. You thought a man who sold sauerkrauts and sausages could best represent the Republicans?—A. Perhaps he would not know so many tricks.

Q. You think that a man who knows more tricks—A. I don't want a man who knows tricks.

Q. And it is because you knew some tricks that you were chairman?—A. Just the other way.

Q. You think Rubin knows more tricks than Zarling?—A. I should say he did.

Q. And because he knows so many tricks you don't think he would be safe as chairman of the ward committee?—A. I think he would be the better man, Zarling.

Q. Better on account of his ignorance?—A. Not necessarily.

Q. How many years has Zarling been in this country?—A. I don't know.

Q. Has he voted more than two years?—A. More than six or eight years.

Q. Where does he live?—A. At 60 Leverett street, precinct 4.

Q. How long has he been in the delicatessen business?—A. For a number of years.

Q. Hyman Zarling—is that the man?—A. Yes, sir.

Q. How old is he?—A. Perhaps 40 or a little over; I don't know.

Q. Do you know Maurice Tenetzer, 60 Leverett street?—A. I don't think so.

Q. Do you know Simon Cohen?—A. No.

Q. Max Silverstein?—A. No.

Q. Philip Duskon?—A. No.

Q. Sam Kapnitz?—A. I don't know him.

Q. Isaac Levi, 60 Leverett street?—A. I don't think so.

Q. How many do you know in that block?—A. Oh, I can't say.

Q. Was Hyman selected as chairman of the Republican ward committee because most of the voters were in that block?—A. Well, if somebody else would be elected they would be the same thing.

Q. Are you on friendly terms with Rubin?—A. Not to any great extent.

Q. That is, he does not care for your acquaintance, or you his?—A. Well, he cares for himself and sometimes we don't agree together.

Q. You are on unfriendly terms with Rubin?—A. Yes.

Q. Since when?—A. Since the new reorganization of the committee.

Q. Why did you go up to his place?—A. As a matter of courtesy, when a man writes me a postal card I respond. He began to talk about the ward committee—that we should try to reorganize.

Q. Do you know a man named Hunter, a smooth-faced young man with glasses?—A. Hunter? I don't know him.

Q. On one of the occasions on which you were present in Rubin's office did you see a smooth-faced man with glasses there who was introduced to you as Hunter?—A. He was not introduced to me.

Q. Did you see him?—A. Yes.

Q. Was he present during some conversation with Rubin?—A. I don't remember whether he was there or not at that time.

Q. You saw him there on one of those occasions on which you called?—A. I think I did.

Q. Now you say you did not say a single word to Rubin since you testified last, about what you had testified to and what you were going to testify to, or anything at all about who selected the precinct officers acting for the Republican party in Ward 8. You say that positively.—A. I don't think I did say anything.

Q. And your recollection is good on that point—you would have remembered if you had said anything to him about it?—A. I don't remember that I did say anything.

Cross-examination by Mr. MORAN:

Q. When you received this postal card did you write a reply to it?—A. No, sir.

Q. Did you go to Rubin's office at the time specified on the postal card?—A. It said come to-morrow, and I did so.

Q. Were you introduced there to a man you did not know?—A. No, sir.

Q. Was there a smooth-faced man there with glasses?—A. I think there was.

Q. Were you introduced to him?—A. No, sir.

Q. Did you know anything about Rubin putting up a job on you, and to have him testify after you?—A. No, sir.

Q. If there was such a job put up on you, would you have fallen into the trap?—A. No, sir.

Q. Now, the Jesse M. Gove whose name you have mentioned is one of the most prominent Republicans in the State, is he not?—A. I did not mention him.

Q. You did not mention Gove's name?—A. I don't think I did.

Q. His name is in the record and you have got to reply. Mr. Gove is one of the most prominent Republicans in this State, is he not?—A. Yes, sir.

Q. He was candidate on the Republican ticket against Fitzgerald in this district, and was defeated?—A. Yes, sir.

Q. When Mayor Hart was candidate for mayor, he was manager of his campaign, was he not?—A. Yes, sir.

Q. And he has been prominently identified with all Republican movements in this city?—A. Yes, sir.

Q. He was known as the original Blaine man of this district?—A. Yes, sir.

Q. You have heard him spoken of in this way?—A. Yes.

By Mr. MALLEY:

Q. When did you come to America?—A. It was twenty-five or twenty-six years ago.

Q. How long have you lived in the West End in Boston?—A. About fourteen years.

Q. Where did you live before that?—A. In the North End.

Q. When were you first naturalized as a voter?—A. Some sixteen or seventeen years ago.

JACOB BARBOUR, sworn.

By Mr. MALLEY:

Q. State your name, age, residence, and occupation.—A. Jacob Barbour, age 35, live at 13 Willard street, assistant superintendent of peddlers.

Q. How many years have you been assistant superintendent of peddlers?—A. Three years.

Q. Who is superintendent?—A. John McLaughlin.

Q. Where does he live?—A. I presume in East Boston.

Q. Do you know where he lives?—A. I do not; I never asked him.

Q. Are you married?—A. Yes, sir.

Q. Have you a family?—A. Yes, sir.

Q. Were you appointed eight years ago?—A. About six or seven years ago.

Q. Who was mayor when you were first appointed?—A. Mayor Quincy.

Q. In 1896?—A. January 15.

Q. How did you secure the appointment?—A. The board of health appointed me.

Q. What are your politics, whether Democratic, Republican, or Socialist?—A. Am I supposed to answer what ticket I vote?

Q. Whether a Republican or Democrat in politics?—A. I generally go and vote the Democratic ticket.

Q. You are a Democrat in politics?—A. Not in politics.

Q. Don't you consider that you belong to any political party?—A. No, sir; I do not.

Q. But you are generally a Democrat in politics?—A. I belong to the Hendricks Club, the social part.

Q. The Hendricks Club is Democratic?—A. I belong to the social part.

Q. You belong to the Hendricks Club?—A. They have a charter as a social and political club and I belong to the social part.

Q. And the other part you don't belong to?—A. I don't interfere.

Q. How long were you a member of the Hendricks Club?—A. I don't remember.

Q. Was it one year?—A. I can't remember.

Q. Two years?—A. I can't remember.

Q. Four or five years?—A. I can't remember.

Q. Six years?—A. I would not state.

Q. Were you told not to remember?—A. Told by whom?

Q. Were you a member of the Hendricks Club when you were appointed assistant superintendent of peddlers?—A. I don't remember.

Q. In 1896, were you a member of the Hendricks Club?—A. I don't remember.

Q. Do you remember that you were appointed superintendent of peddlers, or do you change that because you now remember?—A. I received my appointment from the board of health; I have the letter.

Q. Who was chairman of the board of health?—A. Dr. Durgin.

Q. Who was the other member commissioned by the committee?—A. Mr. Barbour.

Q. Now, at the time you were appointed were you a member of the Hendricks Club?—A. I can't remember.

Q. Where did you live at that time?—A. I don't remember; I have lived in the West End for the last sixteen years.

Q. Were you married at that time?—A. Yes.

Q. Do you remember when you were married?—A. Married about fourteen years ago.

Q. Do you remember how many children you have?—A. I have two.

Q. Do you remember when you were born?—A. Yes; I guess I do.

Q. Do you remember how old you are?—A. I guess I do.

Q. When was it you were born?—A. I was born in 1868.

Q. When were you naturalized?—A. I think in 1891.

Q. Do you remember where?—A. At the post-office building.

Q. Who were the witnesses?—A. I don't remember.

Q. How long had you known them previous to your being naturalized?—A. I don't remember who my witnesses were.

Q. Do you remember that you knew them before they swore that you lived here four or five years?—A. I don't remember.

Q. When did you come to America?—A. In 1885; and went to New York, and from there to the West End.

Q. When did you come to Boston, to the West End?—A. About a year after.

Q. What was the date?—A. The year was 1886, I guess.

Q. And in 1891 you were naturalized?—A. I think so.

Q. You are a Hebrew, are you not?—A. Yes, sir.

Q. Born in Russia?—A. Born in Roumania.

Q. Do you remember whether the witnesses who swore to your residence in America were Hebrews?—A. I presume they were Hebrews.

Q. Have you any recollection about it?—A. No, sir.

Q. Do you remember they were Hebrews?—A. Yes, sir; I do. I would not take a Christian to swear for me.

Q. You would not take a Christian to swear for you?—A. As long as I did not know them; I did not come in contact with them.

Q. What is your salary as assistant superintendent of peddlers?—A. Twenty-one dollars a week.

Q. In 1891 you were naturalized as a voter. Why is it you remember these things I have asked you about, but can't remember when you became a member of the Hendricks Club?—A. A paper hangs on the wall, and about every minute I could see that in 1891 I was naturalized.

Q. Could you say when you were appointed?—A. I could remember it; I have a letter in my pocket.

Q. Were you appointed from the civil-service list?—A. I don't think so.

Q. Do you know how you were appointed?—A. By the board of health.

Q. Did you apply for the job?—A. Yes.

Q. To whom did you apply?—A. I told a certain party.

Q. You told Martin Lomasney you wanted the job?—A. I did not tell him.

Q. Whom did you tell?—A. I told William F. Donovan, but he helped to get it for me.

Q. Mr. Lomasney helped to get it for you?—A. Yes; I think he did.

Q. That is, through the political activity of Mr. Lomasney he secured you the position?—A. He helped me to get it.

Q. And you feel grateful to him for it?—A. Yes, sir; I do.

Q. At that time you were a member of the Hendricks Club?—A. I don't remember.

Q. Does it refresh your recollection to know that Martin Lomasney was treasurer of the Hendricks Club when you got the job?—A. I don't remember that he was treasurer.

Q. Have you been a member of the Hendricks Club so long that you can't remember when you first became a member?—A. That I don't know.

Q. That is because you have been a member so long?—A. I don't know; I could not state it.

Q. Did Martin Lomasney at that time when you were appointed hold any political office?—A. I don't remember; I don't think he did.

Q. Do you know any reason why Martin Lomasney should get you a political office in 1896?—A. I do know a reason.

Q. Why was it?—A. William F. Donovan was in the board of aldermen that year.

Q. And you had helped them? Did you ever attend a Republican caucus?—A. I did not.

Q. You voted in the Democratic caucus?—A. In some I do and in some I don't.

Q. You are a Democrat in politics?—A. I go and vote the Democratic ticket.

Q. You are a member of the Democratic party?—A. If I see a Jew on the ticket, I vote for him, no matter if he is a Republican, I vote for him.

Q. Do you know Harry E. Dubinsky?—A. I think I do.

Q. He was a Republican precinct officer in the last election?—A. I don't know.

Q. Where did he live?—A. He lived next door to me in the precinct.

Q. Did you vote in 1901?—A. Yes, sir.

Q. Did you see Harry Dubinsky?—A. I did not.

Q. He is a friend of yours now?—A. I lived sixteen years in the ward and he lived in the next house.

Q. You knew he was a Republican in politics?—A. I don't speak in politics.

Q. You take no interest at all in Ward 8 politics?—A. No, sir.

Q. Don't pay any attention to what the politics of a man is down there?—A. No, sir.

Q. What time did you vote on election day?—A. I don't remember the time.

Q. Who were some of the other precinct officers down there at the time?—A. I don't remember.

Q. You knew Harry Dubinsky well enough to go up and swear to his residence on May 1, 1902?—A. Yes, sir; I did.

Q. And it so happened Max Stone went also with you?—A. No, sir; it was on Saturday.

Q. Was he present at the time Dubinsky was assessed?—A. It was on Saturday.

Q. How did you happen to go there and swear?—A. It was Saturday, and I got my pay.

Q. Do you remember what time you went up to swear as to the residence of Dubinsky?—A. I remember it was Saturday.

Q. Do you remember it was in the fall of the year?—A. I don't remember.

Q. On the supplementary assessment?—A. I think so.

Q. You went up and swore that he lived at 11 Willard street May 1?—A. I did not go up; he met me at City Hall.

Q. Did you know that Dubinsky was a Republican election officer in the precinct on the following November 4?—A. I did not pay any attention to it.

Q. Did you know whether he was a Republican or Democrat?—A. I don't know. I don't talk politics with him.

Q. Is it the custom of the members of the Hendricks Club to assist in the assessment of Republicans?—A. I don't know their custom.

Q. Is it your custom, as a Democratic officeholder, to assist in the assessment of Republicans?—A. No, sir; he was a Jew, I knew, and I swore for him.

Q. Did you set this man's name down afterwards as a good man to serve as a Republican precinct officer in precinct 1?—A. No, sir.

Q. Did you go and hand that name to Simon Goldberg to act as precinct officer in Ward 8?—A. No, sir.

Q. Did you ever have any conversation with Goldberg as to who the precinct officer should be in Ward 8?—A. No, sir.

Q. Ever talk with him at all in politics?—A. No, sir.

Q. You have known him how long?—A. Three or four years.

Q. Quite friendly with him?—A. Just the same as any other Jew.

Q. Did you ever threaten him if he did not appoint this man you would fight Goldberg for the Republican committee?—A. No, sir.

Q. That you would start a movement against him?—A. No, sir.

Q. Never said anything of the kind to him?—A. No.

Q. You were quite active in assessing men?—A. I was not. I assessed probably seven or eight Hebrews.

Q. Do you remember who they were?—A. No; if you will state their names I can tell.

Q. Can you remember any other man than Dubinsky?—A. Probably I swore for a couple of fellows that lived in the house where I lived.

- Q. Who did live in your house last May?—A. A fellow named Cohen.
 Q. What is his first name?—A. I don't remember.
 Q. How long did he live in your house?—A. A year and a half or two years.
 Q. Do you mean by your house, your apartment?—A. Yes, sir.
 Q. What is his other name?—A. I don't know.
 Q. Just one Cohen there?—A. There is one Cohen on the next floor.
 Q. Did any other person live with your family, 13 Willard street?—A. No, sir.
 Q. How many rooms have you?—A. Five.
 Q. Your wife and self and two children?—A. Yes; four of us.
 Q. How many rooms did you occupy for the use of yourself, wife, and two children?—A. Three rooms, and sometimes four.
 Q. You had one room that you let?—A. Yes.
 Q. To whom did you let that last May?—A. I don't remember; my wife has charge of it.
 Q. Don't you remember to whom you let your room, for whose assessment you went afterwards?—A. I can't say.
 Q. Can't you think of the names?—A. No, sir.
 Q. Don't you remember who lodged with you last May?—A. I don't remember.
 Q. Do you know who roomed with you last April or May?—A. I can't remember well enough to state the names.
 Q. You can't remember the names of anyone who roomed with you last April or May?—A. There was another fellow. I don't remember his name; I did not pay any attention to him. I said he was just a lodger—did not board.
 Q. You state positively that you recollect that you had absolutely no conversation with Goldberg as to who should be Republican precinct officers in Ward 8?—A. Yes, sir.
 Q. Or with William Berwin?—A. Yes.
 Q. Or Moses Rubin?—A. Never had.
 Q. Or Max Stone?—A. Never had a talk.
 Q. Or with anybody?—A. With nobody.

Cross-examination by Mr. MORAN:

- Q. Do you know Abe Cohen and Max Cohen?—A. Yes, sir.
 Q. And John F. Edelstone?—A. He is not in my house, but on the next floor.
 Q. Abe Cohen, where does he live?—A. In my house.
 Q. And Max Cohen?—A. In my house; they are brothers.
 Q. How many tenements in that building?—A. Five tenements.
 Q. You are one of the five tenants?—A. Yes.
 Q. Louis Abram?—A. He lived there, but he moved out; he was a cigar maker.
 Q. Did he have a place there?—A. Yes, sir.
 Q. Jacob Barbour?—A. That is myself.
 Q. Thomas J. Hastings?—A. He boarded there on the floor below.
 Q. Alfred F. Horovitch?—A. He lived there on the third floor.
 Q. I have given you all the names registered and assessed from that house in May, 1902?—A. Yes, sir.
 Q. They lived there?—A. Yes, sir.

Redirect examination:

- Q. John F. Edelstone lived in the same house with you?—A. Yes, sir; he had rooms.
 Q. You assessed Harry Dubinsky, who was one of the Republican precinct officers, and John F. Edelstone; the other officer lived in the same house with you, didn't he?—A. Yes, sir.
 Q. Now, Louis Abraham also lived in the same house with you?—A. Abrams moved out after me.
 Q. He was a precinct officer in another precinct?—A. No, sir; he would have told me, probably; he never spoke of politics.
 Q. Did Harry Dubinsky tell you that he was a precinct officer?—A. No; I don't think Abrams ever interfered with politics.
 Q. Did you ever speak of politics with Edelstone?—A. No, sir; when I went in I saw him. I gave him the ballot after I voted. He turned it in.
 Q. Did you know whether he was a Republican or Democratic precinct officer?—A. I did not ask him.
 Q. Did you know?—A. No, sir.
 Q. Did you know Louis Rosenstein, the warden of that precinct?—A. He lived a few steps from there, and I know him very well. That is, he keeps a place of business there.

Q. Edelstone, the other Republican precinct officer, lives in the same house with you?—A. Yes, sir.

Q. And Dubinsky, the other Republican precinct officer, was the man you put on the Republican list?—A. Yes, sir.

Q. You are a Democratic voter, hold office under a Democratic mayor, and are a member of the Hendricks Club?—A. That is the way you put it. I belong to the social part.

Q. You are a Democrat, are you—yes or no?—A. I vote the Democratic ticket.

Q. And you are holding office under a Democratic administration?—A. I held it under a Republican administration. There is no interference with the board of health in politics.

Q. You were appointed by a Democratic mayor?—A. I was appointed by the board of health.

Q. Were you appointed under a Democratic mayor, with the assistance of a Democratic leader?—A. Yes, sir.

Q. And you live in the same house with two Republican precinct officers?—A. Not in the same house.

Q. Dubinsky, doesn't he live there?—A. No, sir; not living in the same house.

Q. Edelstone lived in the same house with you, and Dubinsky, whom you assessed, lived in the next house?—A. Yes.

Q. And Rosenstein lived a few steps away, the man you got assessed?—A. Yes, sir.

Q. Didn't you know that his name was one you put in the list you gave Goldberg?—A. No, sir; I did not.

MAX STONE, sworn.

By Mr. MALLEY:

Q. Your name, age, residence, and occupation?—A. Max Stone; the 1st of May I lived at 85 Wall street, and I live now at 78 Brighton street; age 35.

Q. What is your business?—A. Janitor for the city for three years.

Q. How long before May 1 had you lived at 85 Lowell street?—A. Two years.

Q. Are you married?—A. No, sir.

Q. Whom do you live with?—A. Friends.

Q. Where were you born?—A. Roumania.

Q. You are a countryman of Jacob Barbour?—A. Yes, sir.

Q. Close friends ever since you came here together?—A. Yes, sir; in 1885.

Q. When were you naturalized?—A. In 1896.

Q. Who were the witnesses?—A. Well, I could not remember that.

Q. Republicans or Democrats?—A. I don't remember.

Q. Were you naturalized at the same time with Barbour?—A. No, sir; in 1896 I was naturalized.

Q. Were the witnesses Hebrews?—A. Yes, sir.

Q. You are sure of that?—A. Yes.

Q. Do you remember what they looked like?—A. No.

Q. What are your duties as janitor?—A. I am cleaning the place—the brass, and everything there.

Q. Who is your superintendent?—A. Mr. Montague.

Q. You are in the public buildings department as a janitor?—A. Yes.

Q. Were you appointed from the civil service list?—A. Yes, but at the time I was appointed we were not in it. We are in the civil service now.

Q. Why did you say yes in answer to my question?—A. I say we are in it now. I was appointed under Mayor Hart.

Q. By whose influence were you appointed?—A. Mr. Gove.

Q. You are a Democrat in politics?—A. No, sir.

Q. Do you know Simon Goldberg?—A. Yes, sir; very well.

Q. Did you suggest the names of some of the precinct officers?—A. I don't know whether I did or not. I spoke to him about a couple of them. Sam Aaronovitz; I suggested his name.

Q. Anybody else?—A. No.

Q. Did you give a list of names containing your desires as to who should act as precinct officers?—A. No, sir.

Q. You were very active in getting people assessed, weren't you, last fall?—A. Every year.

Q. You were particularly anxious last fall?—A. Oh, no.

Q. Are you a member of the Hendricks Club?—A. No, sir.

Q. How many people did you get put on the supplementary list last fall?—A. I don't remember.

- Q. How many people were you witness for last fall?—A. I don't remember.
- Q. About how many people?—A. For five, six, or eight—it might be ten; I can't tell.
- Q. Haven't you any idea at all?—A. No, sir.
- Q. In whose interest were you working in going before the board of assessors?—A. No interest at all.
- Q. Just independent?—A. Yes.
- Q. Did you take up the time of the city in doing this?—A. No, sir; nights.
- Q. Would it surprise you to learn that on the supplementary list last fall you were witness for 40 people?—A. It would not surprise me.
- Q. Not if it was a hundred?—A. No, sir.
- Q. Now, all these 40 men that you assessed were friends of yours?—A. Not all.
- Q. Were these 40 men Republicans or Democrats?—A. I could not tell you; I did not ask them their politics. They were Hebrews, and wanted me to have them assessed, and I assessed them.
- Q. You didn't care who they were going to vote for?—A. No.
- Q. Do you know Bernard Blume?—A. Yes, sir.
- Q. Did you swear as to where he lived on May 1, 1902?—A. Yes.
- Q. Where did he live?—A. Either on Cushman avenue or Brighton street.
- Q. Do you know Harry Dubinksy?—A. Yes.
- Q. Where did he live?—A. 11 Willard street.
- Q. What were his politics?—A. I did not ask.
- Q. You know Maurice Goldberg?—A. Yes, sir.
- Q. Do you know Joseph Dyker?—A. Yes, sir.
- Q. Where did he live May 1, 1902?—A. I don't recollect.
- Q. Do you know Hyman Jackson?—A. Yes, sir.
- Q. Where did he live?—A. I don't remember.
- Q. Were you present when he was assessed?—A. I don't remember.
- Q. You swore to Hyman Jackson's assessment?—A. I don't remember his name.
- Q. Didn't you just testify that you swore before the assessors as to where he lived May 1, 1902?—A. Yes, sir.
- Q. There is no Hyman Jackson on this list. Did you go up and swear to it?—A. I said if I swore to it I knew him.
- Q. Do you know Maurice I. Rosenstein?—A. I don't recollect him.
- Q. You did not go up before the board of assessors and swear to where he lived?—A. I might, but I don't remember.
- Q. Do you know Maurice Rosenstein?—A. No, sir; I don't remember.
- Q. Did you know Maurice Rosenstein last May well enough to know where he lived?—A. I don't know; I might.
- Q. Did you or not?—A. I don't remember.
- Q. If you had gone up and sworn to where he lived, you would have known?—A. I don't remember him.
- Q. Was there a Maurice Rosenstein on the whole voting list of the city of Boston?—A. I did not look it over.
- Q. You thought I was reading from that list?—A. I did not think nothing.
- Q. You thought it was the list of names to which you swore?—A. I don't remember the names.
- Q. When I read a name that you thought was there, you said you would cover yourself. Do you know a Maurice Rosenstein anywhere?—A. I don't know; I don't remember.
- Q. Do you know William Butman?—A. Yes, sir.
- Q. Did you swear to his assessment last May?—A. Yes.
- Q. Where does he live?—A. On Wall street.
- Q. Did he live there May 1?—A. He lived at 160 Chambers street.
- Q. Do you know Maurice Bremm?—A. I don't know.
- Q. These were personal friends? You did not go up for political reasons? Where did Maurice Bremm live?—A. I don't know.
- Q. Where did Harry L. Cohen live?—A. I don't remember.
- Q. You swore to where he lived last May.—A. I ain't supposed to remember everybody.
- Q. Where does he live now?—A. I could not say.
- Q. Where did he live at any time that you knew him?—A. I think he lives in Brighton street.
- Q. You don't know where he lived last May?—A. I don't remember.
- Q. Where did Julius P. Cohen live last May?—A. I don't remember.
- Q. Who is he?—A. A friend of mine; a peddler. I don't know where he works.
- Q. Where does Max Cohen live?—A. On Brighton street.

Q. Where did he live on the 1st of May, 1902?—A. I don't remember.

Q. You don't know him very well?—A. Yes; I do. There is Cohen, a peddler—a tailor.

Q. Do you know where William Cohen lived May 1, 1902?—A. I knew at the time, but I don't know now.

Q. Where did he live previous to that?—A. I don't know.

Q. Do you know Sam David?—A. Yes.

Q. Where did he live May 1?—A. In our ward.

Q. You are pretty sure he lived there?—A. Yes, sir.

Q. It so happened that any Hebrew you assessed was from Ward 8?—A. I would not assess a man from East Boston.

Q. And that is because you lived in Ward 8 and was interested in politics?—A. No, sir; not at all.

Q. Did you say you knew where the residence of Sam David was last May?—A. I don't remember.

Q. Where was it previous to that?—A. I don't remember.

Q. Where does he live now?—A. In the ward; I don't know where.

Q. Where did he ever live?—A. I could not say now; I don't remember.

Q. Do you know Simon Feldman?—A. Yes, sir.

Q. Will you swear where he lived May 1?—A. Yes, sir.

Q. Where did he live?—A. I aint sure—130 Brighton street.

Q. Where did he live before that?—A. On Margin street.

Q. Do you know Philip E. Ganz?—A. Yes; he lives on Brighton street.

Q. Maurice Goldberg?—A. Yes, sir.

Q. Max Greenberg?—A. Yes; he lives in Barton court; I don't remember the number.

Q. You were witness to the assessment of all these names?—A. Yes.

Q. Where did Greenberg live on the 1st of May?—A. I don't know.

Q. Do you remember any residence he ever had in your ward?—A. No, sir.

Q. Yet you were a witness for his assessment and as to his residence for the purpose of securing him the right to vote?—A. No, sir.

Q. You did not know anything about the gentleman then?—A. Sure, I did.

Q. Where did he live then?—A. I don't remember.

Q. Who assessed him with you, the other witness?—A. I could not tell.

Q. Do you remember what he looked like?—A. No.

Q. You don't remember where he lived?—A. No, sir.

Q. You would agree where he lived if I told you. Did Max Greenberg live at 165 Cambridge street?—A. I could not tell you.

Q. Do you know where Aaron Greenspoon lives?—A. Yes, sir.

Q. Where did he live May 1?—A. I don't remember.

Q. Did you at any time know where he lived?—A. I don't remember.

Q. That is, you knew Aaron Greenspoon and you did not know where he ever lived?—A. No.

Q. Do you know Herman Hollander?—A. Yes, sir.

Q. Where did he live May 1, 1902?—A. In that new building on Chambers street.

Q. Where before that?—A. On Harrison avenue, I believe.

Q. How do you suppose he is down to vote from 117 Brighton street? The Chambers street building was not put up in May.—A. I know he lives now there.

Q. You know all about him? You would swear that you said anything that was down on record in the board of assessors?—A. Yes, sir.

Q. Did you know Sam Kedlesky?—A. Yes, sir.

Q. Where did he live last May?—A. Wall street; I don't remember the number.

Q. Where did he live before that?—A. On Wall street.

Q. Where has he lived since?—A. He is away from Boston now.

Q. How did you happen to swear that he lived at 3 Poplar street?—A. Well, he lived in 3 Poplar street.

Q. Do you know Harry Clayman?—A. Yes.

Q. Where did he live May 1?—A. On Chambers street.

Q. Was he a close friend of yours?—A. He was a particular friend of mine.

Q. And because he was a particular friend he would ask you to go up and swear where he lived?—A. He did not ask me. I was to the house, having a good time, and he said he wanted to get assessed.

Q. He lived last May on Chambers street?—A. Yes; he lives there now; either Chambers street or Auburn street.

Q. Henry Lauren, do you know him?—A. Yes, sir; he is assessed from 11 and 13 Brighton street, a double building.

Q. Who was the witness that swore with you for him?—A. I don't remember.

Q. Where does he live now?—A. On Auburn street.

Q. Was he a Republican or Democrat?—A. I could not say.

Q. Maurice A. Levine, do you know him?—A. Yes.

Q. Where does he live?—A. 20 Barton street. I swore to a lot of Levines.

Q. Did you assist in the assessment of Maurice I. Levine?—A. What is his business?

Q. Last fall, or at any time in 1902?—A. I don't remember.

Q. You don't know?—A. Yes; I knew him.

Q. How well?—A. I knew him all right. I know many Maurices.

Q. This is Maurice I. Levine.—A. I don't know him.

Q. Though you put him on the voting list. Where did he live?—A. Is he a jew'ry maker?

Q. Well, search me.—A. There is a Levine on Minot street.

Q. First you stated Barton street?—A. There is one at Barton street.

Q. Which one did you swear to? It is not on either one of those streets.—A. You don't know yourself, I think.

Q. You say you don't know where he lived and don't know where he lives now, and yet you swore to his assessment. I will now tell you, if you wish, where he did live?—A. I don't care.

Q. When he was assessed?—A. I don't care.

Q. Then he lived at 18 Willard street, according to your sworn statement.—A. Then it was all right.

Q. Do you know where Harry Levinsky lives?—A. He is a friend of mine a couple of years.

Q. He is on the supplementary list. You had forty-odd friends?—A. That is not my fault.

Q. You have a great many friends there?—A. Yes, sir; I am a good Republican.

Q. Your friends don't vote your way?—A. I don't ask them.

Q. The people you happened to naturalize turned out to be good Democrats?—A. Oh, no; my party came with anything they pleased.

Q. As a matter of fact, was it not considered part of your duties as a janitor in the department you were in to assist in the assessment of voters in Ward 8?—A. No, sir.

Q. Did you do all this in the evening?—A. Yes, sir.

Q. How many did you take up in a body?—A. I could not tell you. I could have done a dozen at a time.

Q. Used to run in a dozen at a time?—A. I would not swear to that.

Q. Did you say you knew where Harry Levinsky lived?—A. I could not say.

Q. If you swore last fall where he lived in May, you remember where he lived six months before so as to testify in the fall?—A. Sure.

Q. Now, why can't you remember it since?—A. I could not tell you.

Q. What does Harry Levinsky do?—A. He is a tailor in Boston.

Q. What part of Boston?—A. I don't know.

Q. What street?—A. I don't know.

Q. He is a friend of yours, a chum?—A. No.

Q. How often do you see him?—A. Every day.

Q. Calls at your house?—A. No, sir; he is doing a couple of jobs for me. He has a shop. He lives in the same street.

Q. He lives in the same street as the shop is?—A. Oh, no; he lives in the same street with me. I can't tell you where he is now.

Q. Can't you tell what street you live in—the street that connects with his? You thought last fall you knew where he lived.—A. No; you thought I did not.

Q. Now, don't you know anything about him?—A. Yes; I do.

Q. What do you know?—A. I know he is a nice man.

Q. Anything other than that do you know?—A. No, sir.

Q. Is he married?—A. Yes, sir.

Q. Do you know where his family is?—A. I can't find out.

Q. What street will you put him down as having lived at?—A. If you will tell me the street, I will put him down, if you will let me think for a couple of hours.

Q. That is, you are willing, if you can look up the records of the assessor's office, to testify to what you swore to?—A. I say every man I assessed was living in the ward.

Q. What name were you naturalized under?—A. Max Stone.

Q. In what year?—A. The 27th of June, 1896, in the district court.

Q. Was Max the name you were christened?—A. Yes, sir; I am a Hebrew. My name is Max.

Q. How do you pronounce the other name—Stone?—A. Stone.

Q. What is the language of Roumania?—A. It has a separate language.

Q. Of entirely independent origin?—A. Yes, sir.

- Q. Do you know C. B. Mastenvitch?—A. I think he lived at 18 Ashland street.
- Q. What did he do?—A. He is a clerk with his father.
- Q. Where?—A. His father has a clothing place on Salem street, corner of Cross street.
- Q. Did his brother live at 18 Ashland street?—A. Yes.
- Q. Where did Hyman Sternberg live last May?—A. I don't remember.
- Q. What does he do?—A. I don't remember now.
- Q. Was he an old friend of yours?—A. I know him.
- Q. How long was he a friend of yours?—A. He is a friend of mine to-day.
- Q. Where does he live?—A. In Ward 8; I could not tell you what street or number.
- Q. Ward 8 covers only 166 acres.—A. I did not measure it; I don't know that it covers 10 inches.
- Q. Now, Sternberg lives in that 166 acres. Don't you know your old chum?—A. Yes.
- Q. Where did you last see him?—A. I don't remember.
- Q. What is his business?—A. I don't remember.
- Q. Where did he live the day you swore to his residence, May 1, 1902?—A. I don't remember.
- Q. Do you know that he ever lived in Ward 8?—A. Sure.
- Q. You don't remember a single place of residence he had?—A. No.
- Q. The only reason you swore to his assessment was because he was a friend of yours?—A. Yes, sir.
- Q. Did you ever call on him at his house?—A. I think I did.
- Q. Where did you call?—A. At Ashland street.
- Q. Do you know Abram Oppenheim?—A. Yes.
- Q. Where did he live May 1?—A. At 20 Barton street, I think.
- Q. Where did David Oppenheim live?—A. I think 16 Poplar street.
- Q. Do you know Max Rubinsky?—A. Yes.
- Q. Where did he live May 1?—A. I don't remember.
- Q. Where did he ever live previous to that?—A. I don't know.
- Q. Where has he lived since?—A. I don't know.
- Q. You don't know where Max ever lived?—A. No.
- Q. You did know at the time, but can't think of it now?—A. No.
- Q. What is his business?—A. I don't know.
- Q. Now, Albert W. Pataschink?—A. I think his name is wrong there.
- Q. That name you swore to as a witness.—A. I don't remember.
- Q. You don't remember whether you assisted him in getting assessed or not?—A. No.
- Q. You might have? What is your impression?—A. I don't remember.
- Q. If you did swear to his assessment you knew him?—A. If so, I know him.
- Q. But you can't tell now whether you did or not?—A. No.
- Q. Do you know Charles Robinson?—A. Yes, sir.
- Q. Was he a Hebrew?—A. Yes; I think so.
- Q. Is that a Hebrew name, Charles Robinson?—A. Yes, sir.
- Q. Is Robinson Crusoe a Hebrew name?—A. Yes, sir; he was a Hebrew.
- Q. Where did Charles Robinson live on May 1, 1902?—A. I don't know.
- Q. Did you know when you told the assessors that he was a man who ought to have the right to vote?—A. If I did not know I would not do it.
- Q. Where did he ever live?—A. I don't remember.
- Q. Where does he live now?—A. I don't know.
- Q. What was his business?—A. I don't know.
- Q. This Charles Robinson who lived in Ward 8—did you ever go up as a witness to the assessment of any Charles Robinson of Ward 8?—A. I don't remember.
- Q. Do you know Jacob Robinson?—A. Yes, sir.
- Q. Where did he live May 1, 1902?—A. He lives on McLean street, if that is little Jakey.
- Q. What does he do?—A. He is a drummer.
- Q. Married?—A. No; he lives with his parents.
- Q. Do you know Salvatore Russo?—A. Yes.
- Q. Where did he live May 1?—A. On South Margin street.
- Q. What is his business?—A. Barber, I think.
- Q. Do you know Louis J. Shavlansky?—A. Yes.
- Q. Where does he live?—A. At 69 or 70 Brighton street; he is a peddler.
- Q. Do you know Simon Schnitzer?—A. I don't know.
- Q. Did you ever assess him?—A. No, sir.
- Q. Did you swear to his assessment?—A. No; I don't remember.
- Q. Do you know where he lived May 1?—A. I did not hear any such name.

Q. Did you know Simon Siedschner?—A. I had a Seidschmer in Ward 8.

Q. Do you know Charles H. Sonulovitz?—A. Yes.

Q. Where does he live?—A. On Wall street.

Q. Is he a friend of yours?—A. Yes.

Q. What is his business?—A. Not doing anything now; he was a clerk.

Q. How long has he been unemployed?—A. He is doing odd jobs clerking.

Q. Do you know Louis Frick?—A. I don't remember.

Q. Did you swear to his residence on May 12?—A. I don't remember.

Q. Do you know anything about him?—A. No.

Q. Don't know where he lives?—A. No, sir.

Q. Do you know Joseph Weiner?—A. Yes, sir.

Q. Where did he live May 12?—A. In Brighton street; I don't remember the number. I have a couple of Weiners in Minot street.

Q. Where does he live to-day?—A. I don't know.

Q. What is his business?—A. One has a rag shop and the other peddles the New York Journal.

Q. What is the residence of this one you had assessed?—A. I do not know which one you refer to.

Q. You think he lived on Brighton street. If he did not live on Brighton street, you don't know where he did live?—A. I don't know. If that is the fellow, I don't know.

Q. Do you know William P. Goldweisser, of 5 Ashland street?—A. Yes.

Q. Did you swear as to where he lived last fall?—A. I don't remember.

Q. Do you think you might have?—A. I might; I don't remember.

Q. Did you swear as to the residence of Alexander Blomberg?—A. I don't remember.

Q. Who is Leroy F. Sussman?—A. A friend of mine.

Q. You swore to one man as a witness and he swore to another?—A. Yes.

Q. Is he a Democrat or Republican?—A. I could not tell you.

Q. Do you suppose he knows as much about the residences of the people that he got assessed as you do?—A. He lives in the same place and he knows about it.

Q. He knows just as much as you do about it?—A. Yes, sir; he remembers about the names of the people.

Q. No more?—A. He don't need to know more.

Q. Now, as a matter of fact, there are a few other names. You really assisted in assessing about 100 voters, didn't you?—A. I don't remember.

Q. It might be 150? You know just as much about them as you testify about this number now?—A. I know they are all perfect.

Cross-examination by Mr. MORAN.

Q. You are a Republican in politics?—A. Yes.

Q. Were you appointed to the office you now hold under a Republican mayor?—A. Yes.

Q. And through Republican efforts?—A. Yes, sir.

Q. You know the Republican leader, Mr. Berwin?—A. Yes, sir.

Q. And Jesse M. Gove?—A. Yes, sir.

Q. And was it through their efforts you secured this appointment?—A. Yes, sir.

Q. And you have not lost your job yet?—A. No, sir.

Q. Have you faithfully performed your duties in the city?—A. Yes, sir; I do work every day.

Q. And it has nothing to do with politics?—A. No, sir; there is another Republican working with me.

Q. Working with you there; I won't ask you his name—the other side may. They may get his discharge. And as a Republican, you assisted in the assessment of these various persons, some of whose names you gave?—A. Not last year.

Q. Well, whenever you assessed them; you are still a Republican?—A. Yes, sir.

Q. But you did not ask them for whom they were going to vote?—A. No, sir.

Q. You were not doing political work as a Democrat?—A. No.

Q. And you were not a Democrat?—A. No.

Q. And if you assessed 150 names, the Democrats ought not to get any blame or credit there?—A. No, sir.

Q. The Republican party ought to have it all?—A. Yes, sir.

Q. Did you know any Democrat who got his name assessed as you did, as a Republican?—A. I did not know any.

Redirect examination by Mr. MALLEY:

Q. You were not doing this work as a Republican, but for your friend?—A. Yes, sir.

Q. It was nonpolitical work done for friends who insisted on having you and Max Stone rather than any other Republican?—A. I did not say that.

Q. Do you know William Berwin?—A. Yes.

Q. Where is his office?—A. At 28 School street.

Q. You don't know where he lives?—A. No, sir.

Q. Did he ever live in Ward 8?—A. I don't remember. His brother lives there.

Q. Were you ever suspended since you began to work as janitor in the old courthouse?—A. Not a day.

Q. Were you appointed to that position under the Hart administration?—A. Yes.

Q. Martin Lomasney is the leader of Ward 8?—Yes, sir.

Q. Do you recall that Martin Lomasney opposed the nomination of General Collins the first time for mayor?—A. I don't know anything about it.

Q. You don't live in the city, do you?—A. I live in Ward 8.

Q. You know of Martin Lomasney, then?—A. Yes.

Q. He is a friend of yours? He is a friend of everybody in the ward?—A. If a man gets a favor and no harm is done, that is all right.

Q. He is a good man to get men jobs?—A. I don't need that.

Q. If Martin came round to offer to appoint you to a high position, would you refuse?—A. Absolutely.

Q. Because you are a Republican?—A. Sure.

Q. That is, if Martin came round and wanted to appoint you superintendent of streets, you would refuse?—A. Oh, no.

Q. How high an office would you refuse from Martin's hands?—A. I don't know.

Q. You would only refuse to take a place because you are a Republican?—A. Yes.

Q. But as between Jew and Jew the parties can go to thunder?—A. I don't say that.

Q. Then your only purpose was to make Hebrews American citizens, as much as you could?—A. Yes.

DOMINICK HART, recalled.

By Mr. MAILEY:

Q. Have you your naturalization papers with you?—A. Yes [producing papers].

Q. Have you found out since the names of the friends who assessed you?—A. Patrick Higgins. I don't find the other name.

Q. Did you find out since?—A. I could not figure it in my mind.

Q. Did you make any effort to find out?—A. Yes.

Q. Whom did you ask?—A. I figured out from my own mind.

Q. You had this paper from the circuit court?—A. Yes.

Q. Why didn't you go to the court?—A. I could not find out easily.

Adjourned to Saturday, March 28.

COMMONWEALTH OF MASSACHUSETTS, SUFFOLK, ss:

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 129 pages, is a true and correct record of the testimony and proceedings in the contested-election case of Joseph A. Conry against John Keliher, before me March 23, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein described.

JOSEPH H. BOONES, JR.,

Special Justice of East Boston District Court.

NOTICE TO TAKE DEPOSITIONS.

TO JOHN A. KELIHER or his Attorneys:

You are hereby notified that I intend to take testimony of the witnesses whose names and addresses are given in the appended list on March 18, 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States, from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, jr., esq., a special justice of the East Boston district court, at the court room of said court on Meridian street, East Boston, and if the taking of said depositions is not concluded on said date, the further taking of such depositions will be continued from day to day at the same hour and place until fully concluded.

Simon Goldbery, 6½ Milton street; Jacob Barber, 13 Willard street; Moses I. F. Reuben, 24 Temple street; Max Stone, 85 Lowell street; Thomas P. Feeney, 155 Leverett street, all of Boston, Mass.

JOSEPH A. CONRY,

By his attorney FRANCIS F. HARRINGTON.

Services of above accepted as of March 16, 1903.

JOHN B. MORAN,

Attorney for John A. Keliher.

TO JOHN A. KELIHER or his Attorneys:

You are hereby notified that I intend to take testimony of the witnesses whose names and addresses are given in the appended list, on Saturday, March 28, 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, jr., esq., a special justice of the East Boston district court, at the court room of said court on Meridian street, East Boston, and if the taking of said depositions is not concluded on said date, the further taking of such depositions will be continued from day to day, at the same hour and place until fully concluded.

Charles E. Folsom, 30 Esmond street; George W. Carr, 188 West Canton street; Patrick Bolger, 341 Chambers street; Julian L. Kelley, 99 Chambers street; Thomas P. Feeney, 155 Chambers street; Daniel A. Maloney, 66 Webster street, Boston, Mass.; John J. Hayes, 3 Atlas court, Cambridge, Mass.; Charles R. Saunders, 72 Pinckney street, Boston, Mass.

JOSEPH A. CONRY,

By his attorney F. F. HARRINGTON.

BOSTON, *March 21, 1903.*

SUFFOLK, ss:

I hereby certify that I this day notified the within-named John A. Keliher of the within hearing by giving in hand to his attorney, John B. Moran, esq., a duplicate original copy of the within notice. Said service was made in the Pemberton Building in said Boston.

JOHN J. CONROY,

Constable of the City of Boston.

MARCH 23, 1903.

JOSEPH H. BARNES, JR.,

Special Justice of the East Boston District Court:

On behalf of Joseph A. Conry, contestant, in a contested Congressional election case against John A. Keliher, returned member from the Ninth Massachusetts Congressional district, I hereby apply to you under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court on Meridian street in East Boston within said district to the following-named witnesses, whose names and addresses are herewith submitted for examination March 28, 1903, at 1 p. m.:

Charles R. Saunders, 72 Pinckney street; Charles E. Folsom, 30 Esmond street; George W. Carr, 188 West Canton street; Patrick Bolger, 341 Chambers street; Julian L. Kelley, 99 Chambers street; Thomas P. Feeney, 155 Chambers street; Daniel A. Maloney, 66 Webster street, Boston, Mass.; John J. Hayes, 3 Atlas court, Cambridge, Mass.

JOSEPH A. CONRY,

By his attorney F. F. HARRINGTON.

TENTH HEARING.

EAST BOSTON, *March 28, 1903.*

MR. HARRINGTON. Before the opening of the court to-day I ask the court to submit the list of witnesses to be heard to-day. (Exhibit 149.)

I wish to submit a notice to John A. Keliher of the hearing of March 10, of which Mr. Moran, as attorney for Mr. Keliher, waived notice. (Exhibit 150.)

I offer notice to John A. Keliher of hearing to-day. This notice was served on John B. Moran as attorney for Keliher. (Exhibit 151.)

I also wish to offer certified copy of the votes cast for Congressional candidate for the Ninth Massachusetts district on November 4, 1902. This copy is certified to by the town clerk of the town of Winthrop. (Exhibit 152.)

I wish to call as our first witness Charles R. Saunders.

The following witnesses were then sworn: Charles E. Folsom, Julian A. Kelley, and George W. Carr.

CHARLES E. FOLSOM sworn.

By MR. HARRINGTON:

Q. What is your full name?—A. Charles E. Folsom.

Q. What is your occupation?—A. One of the board of assessors of the city of Boston.

Q. Are you an officer of the board?—A. I am secretary of the board.

Q. Can you tell me the applications for supplementary assessment upon which Max Stone appears as a witness during the year 1902?—A. I can by reference to my papers, but I shall have to have a little more room than I have here.

Q. Have you made a schedule of the applications upon which the name of Max Stone appears?—A. I have.

Q. It may not be necessary to refer to the books.—A. I shall have to refer to the books to get it. It is in book form. Max Stone is in Ward 8.

Q. Yes; Max Stone, Ward 8.—A. Max Stone, residence 85 Lowell street, occupation is not given here.

Q. For whom does he appear as a witness during the year 1902?—A. I have no statement made giving the names of the witnesses. I have a memorandum of the number he appeared on. William Botman. That is an application for assessment on which Mr. Stone and Bernard Blume appear.

Q. Who else appears as witness on that application?—A. George A. Low.

Q. The next one you find?—A. The next one is William Botman.

Q. Who else appears as witness?—A. Frank A. Siegel.

Q. Do you find Joseph Baker, 16 Poplar street?—A. Yes, sir; Joseph Baker.

Q. Who else appears as witness?—A. Frank A. Siegel appears on Joseph Baker's application with Max Stone.

Q. William Botman, 185 Chambers street?—A. Max Stone and Siegel.

Q. Maurice Brem?—A. Max Stone and Nathan Sherrett.

Q. Harry L. Cohen, 11 A Wall street?—A. Harry L. Cohen, 11 A Wall street, Max Stone and Frank Siegel.

Q. Julius C. Cohen, 17 Auburn street?—A. Max Stone and Joseph A. Flanigan.

Q. Max Cohen, 14 Willard street?—A. Jacob Barbour and Max Stone.

Q. William Cohen, 51 Leverett street?—A. Max Stone and Joseph L. Flanigan.

Q. Sam David, 10 Barton street?—A. Max Stone and John Weisberg.

Q. Harry E. Dubinsky, 11 Willard street?—A. Max Stone and Jacob Barbour.

Q. Simon Feldman, 125 Brighton street?—A. Max Stone and Frank E. Siegel.

Q. Philip A. Gans?—A. Stone and Siegel.

Q. Jacob Gibbes, 70 Brighton street?—A. Max Stone and Nathan Sherrett.

Q. Moses Goldberg, 4½ Barton street?—A. John Gach and Max Stone.

Q. Max Greenberg, 155 Chambers street?—A. Max Stone and Frank Siegel.

Q. Aaron Greenspoon, 56 Poplar street?—A. Max Stone and Leroy R. Sussman.

Q. What is his address?—A. It is 71 Allen street.

Q. Herman Hollander, 117 Brighton street?—A. Max Stone and Frank Siegel.

Q. Samuel Kedesky, 3 Poplar street?—A. Max Stone and Leroy R. Sussman.

Q. Harry Clayman, 13 Auburn street?—A. Max Stone and Frank Siegel.

Q. Henry Laurine, Brighton street?—A. Max Stone and Frank Siegel.

Q. Maurice E. Levine, 18 Willard street?—A. Max Stone and Joseph L. Flanigan.

Q. Harry Linsky, 44 Brighton street?—A. Max Stone and Harry Siegel.

Q. Do they appear as witnesses on his application?—A. Yes, sir; the record shows that they do.

Q. Charles T. Matuskevitch?—A. Max Stone and Frank Siegel.

Q. Abram Oppenheim, 24 Barton street?—A. Max Stone and Siegel.

Q. Alfred W. Patashink, 68 Allen street?—A. Max Stone and Joseph Gallis.

Q. Max Rabovolitch, 77 Poplar street?—A. Max Stone and Siegel.

Q. Charles Robinson, 20 North Anderson street?—A. Charles Robinson, Leroy R. Sussman, and Max Stone.

Q. Jacob Robinson, 36 McLean street?—A. Stone and Jacob Barbour.

Q. Salvatore Russo, 75 South Margin street?—A. Max Stone and Sig. Mando.

Q. Louis J. Sowlansky, 75 Brighton street?—A. Stone and Siegel.

Q. Simon Siedushmer, 65 Lowell street?—A. Stone and Siegel.

Q. Charles A. Smulovitz, 43 Wall street?—A. Max Stone and Bennett Ratteen.

Q. Louis Tuck?—A. Stone and Siegel.

Q. Joseph Weiner?—A. Max Stone and Harry Singer.

Q. Herman Sternberg, 14 Ashland street?—A. Sussman and Stone.

Q. Does the address of Max Stone appear on your records as from 85 Lowell street in every application?—A. I can't tell you without looking.

Q. Look for Jacob Robinson, 36 McLean street.—A. Max Stone's address is 85 Lowell street, also in the application of Maurice Goldenberg; Stone's address appears to be 85 Lowell street.

Q. Will you look at your records and tell the applications for assessment for 1902, upon which the name of Jacob Barbour appears as witness? I will give you the names. Abe Cohen?—A. Sussman and Barbour.

Q. What is Barbour's address?—A. 13 Willard street.

Q. What is his business?—A. Inspector, but it does not say of what.

Q. Max Cohen, 13 Willard street?—A. Jacob Barbour and Max Stone.

Q. What is Barbour's address?—A. 13 Willard street.

Q. Harry E. Dubinsky, 11 Willard street?—A. Max Stone and Jacob Barbour.

Q. What is Barbour's address?—A. 13 Willard street.

Q. And Stone's address?—A. 85 Lowell street.

Q. Samuel Stein, 46 Wall street?—A. Jacob Barbour and Leroy R. Sussman.

Q. Maurice Stonetsky, 33 Lowell street?—A. Martin Leftovitch, 117 Chambers street, and Jacob Barbour, 13 Willard street.

Q. Jacob Robinson, 36 McLean street?—A. Max Stone and Jacob Barbour.

Q. Will you look on the records and tell me the applications during the year 1902 upon which William H. Shanahan appears as witness for Henry Barron, 41 Allen street?—A. Jerome H. Moore and William J. Shanahan.

Q. What is the address of Shanahan?—A. 26 Pitts street.

Q. And that of Moore?—A. 6 Bridge court.

Q. Is that 41 or 51 Allen street?—A. 51 Allen street.

Q. Thomas A. Carroll, 26 Pitts street?—A. William J. Shanahan, 26 Pitts street, and Jerome H. Moore. Moore's address is 6 Bridge street.

Q. Lawrence S. Finnegan, 26 Pitts street?—A. J. H. Moore and William J. Shanahan.

Q. George E. Hastings, 26 Pitts street?—A. J. H. Moore and William J. Shanahan.

Q. Thomas W. McTiernan, 26 Pitts street?—A. J. H. Moore and W. J. Shanahan.

Q. John J. McGlinchy, 9 Cunard street?—A. That is Cunard avenue; Moore and Shanahan.

Q. James J. Drysdale, 26 Pitts street?—A. Moore and William J. Shanahan.

Q. James F. Gorman, 26 Pitts street?—A. William J. Shanahan and J. H. Moore.

Q. John H. Hines, 26 Pitts street?—A. Shanahan and Moore.

Q. Does the precinct in which Moore is registered from appear on your record?—A. No; it does not.

Q. Will you tell me from your record the names for assessment that Leroy R. Sussman appears on as witness during the year 1902? Patrick J. Anglin, 15 Bowdoin street?—A. George R. Bean and Leroy R. Sussman.

Q. Abe Cohen, 13 Willard street?—A. Sussman and Barbour; Sussman's address is 71 Allen street by the book.

Q. William P. Goldwasser, 5 Ashland street?—A. Sussman and Siegel.

Q. Timothy Lightman, 26 Auburn street?—A. Sussman and Harry Sherman.

Q. Charles Robinson, 20 North Anderson street?—A. Max Stone and Sussman.

Q. Hyman Steinberg, 14 Ashland street?—A. Sussman and Max Stone.

Q. Alexander Blumberg, 69 Brighton street?—A. Harry Singer and Sussman.

Q. Harris Goldberg, 105 Brighton street?—A. Sussman and Barnett Goldberg.

Q. Aaron Greenspoon, 56 Poplar street?—A. Stone and Sussman.

Q. Isaac Rammer, 85 Poplar street?—A. Sussman and Siegel.

Q. Samuel Stein, 46 Wall street?—A. Barbour and Sussman.

Q. Turn to your record and find the name of John F. Edelstone, 13 Willard street, as an applicant for assessment in 1902.—A. I don't find that name here.

Q. Does it appear on your record that John F. Edelstone was assessed and was subsequently changed to Jacob Edelstone on your original report?—A. You mean on the May assessment?

Q. On the May assessment.—A. That I could not tell on this book. I have not the book here on which it appears.

Q. Have you Jacob Edelstone on your original assessment?—A. I can not tell that; I haven't the book here.

Q. Was there a John F. Edelstone on the supplementary assessment of 1902?—A. I find no such name on our records.

Mr. HARRINGTON. I wish to suspend the examination of Mr. Folsom for a moment. Is Jerome F. Moore present, of 6 Bridge court?

JEROME F. MOORE, sworn.

By Mr. HARRINGTON:

Q. What is your full name?—A. Jerome H. Moore.

Q. Where do you live?—A. 6 Bridge court.

Q. Where did you live on May 1, 1902?—A. 6 Bridge court.

Q. What is your business?—A. Work in the water department of the city of Boston.

Q. Were you in the city of Chicago last week?—A. No, sir.

Q. Who lives in the house with you at 6 Bridge court?—A. My wife and brother.

Q. Does William H. Cuddy live on Bridge court?—A. Yes, sir.

Q. Are you acquainted with him?—A. Yes, sir.

Q. Are you on friendly terms with him?—A. Well, I don't know.

Q. Are you a friend of his?—A. I guess so.

Q. Is he a friend of yours?—A. Well, I don't know.

Q. Are you not certain as to your friendship with Mr. Cuddy?—A. No, sir.

Q. You are not?—A. No, sir.

Q. Do you know Edwin J. Chapin?—A. Yes, sir.

Q. How long have you known him?—A. A year, I guess.

Q. Where did he live May 1, 1902?—A. At 19 Temple street.

Q. How long have you known him to live there?—A. Oh, a year, I guess.

Q. A year?—A. Yes.

Q. Since May 1, 1902, or before?—A. Before.

Q. Do you know Herman Driscoll?—A. No, sir.

Q. Do you know Martin Driscoll?—A. Yes.

Q. Where did he live May 1, 1902?—A. At No. 7 Allen street.

Q. How long have you known Driscoll?—A. Two years, I guess.

Q. How long?—A. Two years—oh, let me see—yes, I know him six years.

Q. How old is Mr. Driscoll?—A. A man about 24, I should judge.

Q. Where did you first meet Mr. Driscoll?—A. At the West End, at 7 Allen street.

Q. What is his business?—A. He is a laborer.

Q. For whom?—A. That I don't know.

Q. How often have you met Mr. Driscoll during the past two years?—A. Well, I could not say; I don't know.

Q. Did you ever visit him at 7 Allen street?—A. I have been there when he was there; yes.

Q. Was he there on a visit at that time?—A. He lived there.

Q. What relations have you had with Mr. Driscoll upon which you base your knowledge of his having a residence at 7 Allen street?—A. I have been in there and seen him there.

Q. What means did you take to find out that he lived there?—A. Well, I have been in there and I saw him there.

Q. What were you doing while in there?—A. Reading a paper and sitting down in the dining room.

Q. Is he a married man?—A. Not to my knowledge.

Q. Who keeps the apartment in which Mr. Driscoll was sitting in the dining room?—A. Mrs. Walsh.

Q. Is the husband living?—A. I don't think he is.

Q. Do you know a James F. Gorman?—A. Yes, sir; I have known him three or four years.

Q. Which is it, three or four?—A. I don't just exactly know whether three, four, or five.

Q. What is Gorman's business?—A. I think he is a waiter.

Q. Where?—A. I don't know. I have known him to wait on the Bowdoin Square Hotel.

Q. Where does he live?—A. 26 Pitts street.

Q. Does he live there now?—A. I don't know. The 1st of May I am sure he lived there.

Q. Did you appear as a witness for Mr. Gorman?—A. Yes, sir.

Q. Where?—A. Before the board of assessors of the city of Boston.

Q. Any place else?—A. That is all.

Q. Ever been in court as a witness in his behalf?—A. No, sir.

Q. Were you guessing as to Gorman's address?—A. No, sir.

- Q. Were you positive then?—A. Positive.
- Q. How long did he live at 26 Pitts street?—A. I don't know.
- Q. How old is Mr. Gorman?—A. According to my judgment I guess he is about 32.
- Q. What time of day was it that you went to assist him in being assessed?—A. Night time, I think; I don't know.
- Q. Where did you meet him?—A. I met him on the street.
- Q. What caused you to go as a witness?—A. Because I knew him.
- Q. How was it that you happened to go? You know a lot of other people, don't you, down in Ward 8?—A. Yes.
- Q. That were assessed last year?—A. Yes, sir.
- Q. Did you appear as a witness for them?—A. Yes, sir; quite a number.
- Q. What was your purpose in appearing as a witness for a number of people last year?—A. I was a member of the Democratic ward committee of Ward 8.
- Q. And it is part of your duty to assist in assessing people there?—A. I thought so.
- Q. Did you approach Mr. Gorman as to his assessment or he you?—A. He approached me.
- Q. What did he say?—A. He asked me if I would not put him on the voting list.
- Q. What did you say in reply?—A. I told him I would if he would get another witness.
- Q. Is it not customary for the ward committee to supply their witnesses?—A. Well, it is if they knew them.
- Q. Did you know the other witness that appeared for Gorman?—A. Yes, sir.
- Q. Did you obtain him to go?—A. No, sir.
- Q. Do you know Michael Higgins, 150 Leverett street?—A. Yes, sir.
- Q. How long have you known him?—A. I have known him a long while—ten years.
- Q. What is his business?—A. Well, when he works he is a boiler maker.
- Q. Explain that term.—A. Well, I think you have a meaning.
- Q. What?—A. You ought to know what a boiler maker is.
- Q. You mean he is a mechanic?—A. He is a mechanic.
- Q. How long have you known Higgins to live at 150 Leverett street?—A. Oh, I guess five years; three years; perhaps two years.
- Q. What part of the house did he occupy?—A. Up one flight.
- Q. Is he married or single?—A. Single man.
- Q. Do you know John Mayer?—A. Yes, sir.
- Q. How long have you known him?—A. I know him seven or eight years.
- Q. Where did you first become acquainted with him?—A. Oh, I have seen him around in different places. He lives at 88 Chardon street.
- Q. Was he living there May 1, 1902?—A. Yes, sir; I suppose I have known him to live there four or five years.
- Q. How do you know he has been living there four or five years?—A. I am personally acquainted with him. I have been in his house.
- Q. Upon what do you base your knowledge?—A. I base my knowledge on knowing that he lives there. I have been in his house and seen him going in and out there.
- Q. Any more frequently than you have gone in and out of there?—A. Yes.
- Q. How much more?—A. I have been up there a number of times and I have seen him going in and out.
- Q. You don't live there, do you?—A. No.
- Q. What is his business?—A. Painter.
- Q. For whom does he work?—A. He is in business for himself.
- Q. Where is his place of business?—A. I don't know.
- Q. Can you account for Mr. Mayer not being assessed May 1 at that house if he had been living there four or five years?—A. No; I can't.
- Q. Is that not part of the duties of the ward committee?—A. Well, according to my judgment, I should think it was the duty of the assessors.
- Q. As a member of the Ward 8 Democratic committee, don't you think it is part of your duty to see that all persons are properly assessed?—A. Yes.
- Q. Then why is it that John Mayer was not assessed from 88 Chardon street until you went as a witness for him some time during last year?—A. That I can't tell you.
- Q. You have known him for five or six years?—A. Yes.
- Q. Did you know before last year that he was not assessed from 88 Chardon street?—A. No, sir.
- Q. Was he living at 88 Chardon street May 1, 1901?—A. Yes.
- Q. Did you see him at any time during the year 1901?—A. Saw him on the street.
- Q. Did you have any conversation with him?—A. No; just spoke to him—said hello to him.
- Q. Just said hello?—A. "Hello, how do you feel?"

Q. How did it happen you went with him to the assessment office last year?—
A. Well, I know him; I am personally acquainted with him. I know him pretty well, and when I found out that he was not assessed I saw that he was assessed.

Q. When did you find out that he was not assessed?—A. Last fall some time; I could not just tell the date.

Q. Were your relations with him as friendly during 1901 as they were during 1902?—A. Well, I did not know him as well. I just knew him to say hello to.

Q. Did you ever ask him during 1901 whether he was assessed or not?—A. No.

Q. How did you find out during the year 1902 that he was not assessed?—A. Well, by looking over the voting list.

Q. Did you look over the voting list of 1901?—A. No.

Q. Were you a member of the ward committee during the year 1902?—A. No.

Q. How long have you been actively engaged in politics in Ward 8?—A. I don't know; ever since I had a vote.

Q. When did you first obtain the right to vote?—A. Six years ago.

Q. What was your work prior to the time of becoming a member of the ward committee?—A. What was my work?

Q. Yes; political work. What part did you take in the politics of the ward?—A. I don't understand you.

Q. Did you ever look over the voting list of Ward 8 prior to 1902?—A. Yes.

Q. At that or any other times prior to 1902 did you know John Mayer?—A. Yes.

Q. Did you find his name on the voting list prior to 1902?—A. I never looked for it.

Q. Did you look for it particularly during the year 1902?—A. Yes, sir.

Q. What caused you to look for it during 1902?—A. Well, I interested myself in the ward.

Q. Why did you interest yourself more last year than any prior year?—A. Well, I thought it was my duty to interest myself.

Q. How old is John Mayer now, should you say?—A. Oh, I should judge he was a man about 42.

Q. You have always been interested in getting as large a vote in Ward 8 and in getting as large a number of people on the list as you could?—A. Of my friends, my personal friends that I know.

Q. Why is it that you did not get Mr. Mayer on the list before last year? You have known him five or six years; a man over 40 years old.—A. Well, I was not so actively interested at that time as I was then.

Q. Do you know Hugh McMillen?—A. Yes, sir.

Q. Where did he live May 1, 1902?—A. At 5 Hancock street.

Q. How long have you known him?—A. Quite a while.

Q. How long?—A. Probably a couple of years or a year.

Q. How long has he lived at 5 Hancock street?—A. I have known him to live there for a year, I guess; I don't know just how long.

Q. Before May 1, or the year including up to the present time?—A. I guess I have known him to live there about a year before May 1.

Q. What is his business?—A. He is a mechanic; I think he is an electrician.

Q. For whom does he work?—A. I don't know.

Q. Very well acquainted with him?—A. Know him pretty well.

Q. Is he a personal friend of yours?—A. Well, I don't know; I think he is.

Q. Were you a witness for him last year for assessment?—A. I think so.

Q. Where did you meet him on the day you went with him to be assessed?—A. On the street, I think; I asked him if he was assessed and he told me no, and I told him I would see that he was assessed.

Q. Who was the witness with you on his application?—A. I don't remember.

Q. Did McMillen bring him along or did you bring the other witness along?—A. I think it was a friend of his, but I can't remember.

Q. Do you know Albert E. Moody?—A. Yes.

Q. Where did he live on May 1?—A. At 45 Allen street.

Q. How long have you known him?—A. I know him five or six years.

Q. Who is the other witness that appeared at the time you took him to the assessors to be assessed?—A. I don't remember.

Q. Were you one of them?—A. I was one of them. I know him.

Q. Do you know Henry T. Ott?—A. Yes, sir.

Q. Where does he live?—A. He lives at 22 Nashua street.

Q. How long has he lived there?—A. I don't know. He has lived there a year and a half or so.

Q. What causes you to pause in replying to my question?—A. Well, I have to think what I am going to answer, don't I?

Q. Do you know Herbert W. Pike, of Temple street?—A. Yes, sir.

Q. How long has he lived there?—A. I guess he has lived there a year and a half or a year.

Q. How long have you known him?—A. I have known him ten or fifteen years.

Q. What is his business?—A. He is a clerk.

Q. How long has he lived at 19 Temple street?—A. I don't know.

Q. Were you a witness for him?—A. I don't know.

Q. Who is the other witness?—A. I don't know.

Q. Do you know John Woolley?—A. How is it spelled? I don't know how it is spelled.

Q. That name strikes you as being rather peculiar, does it not?—A. Yes.

Q. If you knew an individual of that name you would instantly recall it, would you not?—A. Yes; but I don't think you pronounced the name right, because if you did I would know it.

Q. Why do you think I do not pronounce the name right?—A. I don't think you do.

Q. Have you among your acquaintances a person whose name is pronounced anything like it?—A. Yes.

Q. What is it?—A. Whooley, I think it is.

Q. Where does he live?—A. At 317 Charles street.

Q. How long have you known him?—A. Two or three years, I guess.

Q. What is his present business?—A. He is a fireman for the city of Boston.

Q. How long has he been connected with the fire department?—A. Two or three years, I guess.

Q. How long has he lived at 317 Charles street?—A. That I could not say.

Q. How long have you known him?—A. I guess two or three years.

Q. How long have you known him to live in Ward 8?—A. All the time I have known him.

Q. That is two or three years?—A. Yes.

Q. Was he a member of the Boston fire department when you first met him?—A. Yes, I think he was.

Q. Do you know as to whether he ever was previously assessed in Boston?—A. I don't know.

Q. Have you ever taken any means to find out?—A. No.

Q. Did he ever tell you that he was?—A. No.

Q. Did he ever tell you that he was?—A. No, sir.

Q. Did you have any conversation with him as to the assessment?—A. No; I don't remember.

Q. How did it happen that you went with him as a witness?—A. He asked me to go.

Q. Then you did have some conversation with him?—A. Yes.

Q. What was the conversation?—A. He asked me to be a witness for him and I told him I would.

Q. Did you have any other conversation with him at that time?—A. That is all.

Q. He rushed up to you on the street and asked you to be a witness?—A. No, he did not rush up to me. I was passing him and he spoke to me.

Q. Give us the whole conversation.—A. He asked me to be a witness for him while he got assessed, and I told him I would. I had known him.

Q. You just said yes?—A. Just yes.

Q. Did you go immediately with him to the assessor's office?—A. Well, I can't remember.

Q. Where did you meet him?—A. I think on Charles street.

Q. That is quite a distance from the assessor's office, is it not?—A. Quite a distance.

Q. You and he walked up together at that time?—A. I think he had another gentleman with him.

Q. Did you have any conversation on the way up?—A. I don't know; I can't remember that.

Q. How far is it from where you met him on Charles street to the assessor's office?—A. Oh, I could not say. It might be half a mile or a mile.

Q. Is it a mile?—A. I could not say that.

Q. Is it more than half a mile?—A. I could not say that.

Q. Is it customary for you to walk half a mile with people on the street and not say anything to them at all?—A. No, but if he was talking to his other friend who was with him, I would not say much, and I think he was talking to him and also talking to me.

Q. Do you know Michael J. Patterson?—A. No, sir.

Q. Do you know any Patterson at all?—A. Yes, sir; I know a fellow named Joe Patterson.

Q. Is that his full name?—A. Joseph Patterson he is known by.

Q. How long have you known him?—A. A good while.

Q. Where does he live?—A. At 371 Charles street.

Q. Where did he live May 1, 1902?—A. At 371 Charles street.

Q. How long has he lived there?—A. Oh, I guess he has lived there five or six years.

Q. Will you tell me without guessing how long he has lived there?—A. Well, I have known him to live there for two years.

Q. Then he has not lived there five or six years within your knowledge?—A. I don't know.

Q. Did you appear as a witness for him last year at the assessor's office?—A. Yes, sir.

Q. Who was the other witness?—A. I don't know; I don't remember.

Q. How many people did you appear for as a witness last year?—A. I don't know.

Q. Quite a number?—A. Yes, sir.

Q. Do you remember any other person or persons who appeared with you as witnesses on the same application?—A. No; I can't remember any of those.

Q. Do you know a Edward M. Haley?—A. Yes, sir.

Q. Where did he live on May 1, 1902?—A. At No. 2 Allen court.

Q. How long did he live there?—A. I have known him to live there, I guess—probably he lived there two or three years.

Q. Never mind "probably." How long did you know him to live there?—A. I have known him to live there, I think, three years.

Q. Prior to May 1?—A. I think so, yes.

Q. Do you know Paul Dinsmore?—A. Yes.

Q. Where did he live May 1, 1902?—A. At 26 North Anderson street.

Q. How long have you known him?—A. I know him three or four years.

Q. How long?—A. Three or four years.

Q. What is his business?—A. Steam fitter.

Q. For whom does he work?—A. I don't know.

Q. How long did you say you had known him?—A. Three or four years.

Q. You appeared with him before the board of assessors?—A. Yes, sir.

Q. Do you remember who appeared with you?—A. I think it was a fellow that lived in the house.

Q. What house?—A. Lives at 26 North Anderson street, a young man by the name of Lakey.

Q. Do you know William E. Holland?—A. Yes, sir.

Q. What is his business?—A. He is a printer.

Q. Where?—A. I don't know where.

Q. Where does he live now?—A. At 54 Leverett street, I think.

Q. What did you say your business was?—A. I work in the water department now, for the city.

Q. And you have assessed, as appears here, somewhere about fifty men, have you not?—A. Well, I don't know.

Q. Were you asked, as part of your employment for the city of Boston, to assess men?—A. No, sir.

Q. But this was a public duty you felt you would like to do?—A. I would like to do.

Q. You have had always a public interest in the West End, particularly in Ward 8?—A. Yes, sir.

Q. Did you say you were a member of the Hendricks Club?—A. Yes, sir.

Q. For how long?—A. Three years.

Q. You are a close friend of Martin Lomasney, are you?—A. I know him.

Q. You live two or three doors from William H. Cuddy, the first assistant assessor of the city of Boston, having Ward 8 in his district?—A. Yes, sir.

Q. And it so happens that when living within two doors of him you assessed 50 men, and you live in Ward 8?—A. I don't know.

Q. What is your answer to that question?—A. Ask the particular question again.

Q. It so happens that you live within two doors of the principal assessor of Ward 8 and have assessed 50 men as a public duty you felt inclined to do?—A. Well, I don't know whether I have assessed 50 or not, but I know I have assessed quite a number.

Q. The number is immaterial to you. You can't recollect how many, but you know you have gone up and assessed a lot?—A. I assessed about 50.

Q. You have assessed about 50 friends or over in the ward?—A. Yes; I have lived there all my life.

Q. But that has no connection with your being a member of the Hendricks Club, which is the political organization of Ward 8?—A. No, sir.

Q. And it has no connection with the fact that you have lived within two or three doors of the principal assessor of Ward 8?—A. No, sir.

Q. And the fact that he is a member of the Hendricks Club and you are has nothing to do with your assessing a number of men in Ward 8?—A. No, sir.

Q. How old are you?—A. I will be 27 next July.

Q. How long have you been assessing men?—A. I have assessed a number since I was 21.

Q. How old were you when you first went up to assess as a witness of somebody on the supplementary list?—A. I could not say; I might have been 22 or 20.

Q. That is, the moment you became of age—to your majority—you came into a full sense of your public duties?—A. Well, yes.

Q. You are a young-looking man, are you not, and you are 27 years of age?—A. Yes, sir.

Q. You have a face that is not easily distinguishable? What is your answer to that?

Mr. CAMPBELL. Don't answer it.

Q. You have been assessing men since you were 22 years of age, and during all those years have you been employed by the city of Boston in the water department?—A. No, sir.

Q. What did you do before that?—A. Worked for the Boston Elevated Railroad.

Q. How long for them?—A. I guess two and one-half or three years.

Q. Most of your testimony here has been guesswork right along. That is your point of testifying here?—A. That is a way I have of talking.

Q. You worked two or three years for the elevated railroad, and then you went to work for the city? When were you employed first for the city of Boston?—A. Some time last August, I think.

Q. In August, 1902, you first went to work?—A. I think so.

Q. And in September, 1902, you became particularly efficient in assessing men, didn't you? The next month after you went to work you began assessing men on the supplementary list from Ward 8?—A. Yes.

Q. And in the next month you assessed 49, didn't you?—A. I don't know whether I did that all in a month.

Q. You would not say how many you assessed, but it was a large number of people?—A. Yes, sir.

Q. And that was directly subsequent to your employment by the city of Boston?—A. Well, I did the work.

Q. What was your answer?—A. You will have to ask me that question once more.

Q. What was your rating, or what is your rating now on the civil service list?—A. Harness-ornament maker.

Q. What is the profession or trade of the harness-ornament maker?—A. I make all the trimmings that go on the harnesses, the same as monograms and such stuff as that.

Q. You don't mean to say you are what is called a horse's artist?—A. I don't know what you mean by horse's artist.

Q. You do the monogram that goes on the harness—that is, for the clothing provided for the horses?—A. Yes.

Q. Where did you learn the trade of a harness-ornament maker?—A. Of J. W. Colgan.

Q. Where does J. W. Colgan conduct business?—A. On Federal street.

Q. Colgan has conducted the business since how long?—A. Since 1880, he told me.

Q. He told you?—A. Yes.

Q. How long did you work for J. W. Colgan as a harness-ornament maker?—A. I can't tell.

Q. You work now for the water department?—A. Yes, sir; at the stables.

Q. Have you anything to do with the harnesses?—A. All I do is anything that leads me to the brass work.

Q. What did you do last week as a harness-ornament maker?—A. Well, I don't know. I can't tell just what harness I worked on.

Q. Take it away back last September, when you were assessing 49 voters. What were you doing in the harness line?—A. The same as I always do.

Q. What do you always do?—A. If anything is broken on any of these things I see that it gets fixed.

Q. Describe your ordinary day's work as a harness-ornament maker for the city of Boston, in the water department. Of course you report in the morning?—A. Yes.

Q. You go to work at 8 o'clock in the morning?—A. Yes.

Q. What do you do?—A. I pull the harnesses over and look over the harnesses, and if there is anything needed to be done—if any of them lose the monograms, I put them back on.

Q. Are there any letters on the harnesses of the city of Boston?—A. Yes.

Q. What are the letters?—A. "B. W. W."

Q. These are brass letters?—A. Yes.

Q. Fixed to the blinders on the horses' eyes?—A. Yes.

Q. You don't let the horses see what you are doing there? That is why you have blinders. You put the letters on the blinders if there are any off?—A. Yes.

Q. What else do you do?—A. I go over all the harnesses every morning.

Q. How many horses are there in the stables in which you are employed?—A. Twenty-six, I think.

Q. Is there any other harness-ornament worker in that stable?—A. No, sir.

Q. Do you know any other man that is employed as a harness-ornament maker besides yourself?—A. Yes.

Q. Who?—A. I know quite a number.

Q. What is the name of one?—A. I know Edward Bullock.

Q. Where does he live?—A. In Allston.

Q. Where does he work?—A. For Colgan.

Q. Does he work as a harness-ornament worker?—A. Yes, sir.

Q. Do you know any other man?—A. I know Frank Coyne, who lives in Medford.

Q. Does he work for J. N. Colgan & Co.?—A. He did at the time I went there.

Q. That is, Colgan & Co. have the exclusive employment of the harness-ornament makers?—A. I think there are two other concerns that have them.

Q. So that you are now, in fact, the only harness-ornament worker living in the city of Boston that you know of?—A. I think there is a fellow who lives in South Boston.

Q. What is his name?—A. David Charkin, an Armenian.

Q. Other than David Charkin, you are the only harness-ornament maker in the city?—A. No; I am not.

Q. Who else is another?—A. J. M. Salmon, who lives in West Roxbury.

Q. Where does he work?—A. He has a business of his own at 22 Bloomfield street.

Q. Where does Charkin work?—A. For Colgan.

Q. The harness-ornament business originated with Colgan on Sudbury street, did it?—A. No; I believe there was another firm that started before him; I think the name was Waldron.

Q. Who is J. N. Colgan? Is he a man doing business for himself?—A. Yes, sir.

Q. Where does he live?—A. In some part of Roxbury.

Q. Is he a member of the Hendricks Club?—No, sir; not to my knowledge.

Q. Now, those are the only harness-ornament workers that you know of in the city of Boston?—A. Yes, sir.

Q. And the city of Boston has about 600,000 people and you say you have the unique distinction of being employed by the city of Boston and being the only employee of that kind employed by the city?—A. I don't know about that.

Q. Now, coming back to the work, about 8 o'clock in the morning you look over the harnesses to find if any of the letters have been dropped off the blinders?—A. Yes.

Q. What else do you do?—A. I look over the harnesses. I don't have anything to do with the horses.

Q. If there is anything wrong, you see that it is repaired at once?—A. Yes, sir.

Q. How long does it take you to do that every morning?—A. It takes me all day. I am there all day.

Q. That is, you look over the harnesses of 26 horses all day long?—A. Yes, sir.

Q. Don't they put the harnesses on the horses?—A. There are always 10 or 15 harnesses there.

Q. Then, you have 10 or 15 harnesses to look over as a day's work, and, after looking them over, you don't find something the matter with the harnesses, what then? You generally find something, don't you? What do you find usually drops off the most, so that you have to put it on each morning?—A. I don't know. I can't answer that.

Q. What particular thing have you done about the harnesses for any horses in the water department of the city of Boston for the last six months? You have to pause before you answer?—A. I put letters back.

Q. You have to pause before you answer?—A. I put letters back on the blinders.

Q. That is, your real business is putting letters back on the blinders of 26 horses in the water department, and that is why you call yourself a harness-ornament worker?—A. Yes.

Q. Now, what is your pay as harness-ornament worker?—A. My salary is \$2.25 a day.

Q. And how many days a week do you work?—A. Six days.

Q. Now, how many do you get paid for?—A. Six.

Q. So that your salary rather than wages is how much per week?—A. Thirteen dollars.

Q. You get that for putting B. W. W. on the blinders of the horses every little while. They drop off every day, don't they?—A. Sometimes.

Q. That is, your profession is really a literary profession, isn't it? Now, in the course of your arduous duties as harness-ornament worker, you had occasion within a month after you were appointed, to assess 49 men in September, 1902. That is true, is it not?—A. Yes.

Q. And you did it all as night work. During the day you were busy putting B. W. W. on the horses of the city of Boston in the water department. Did it occur to you that you were doing a great public duty that inside of a month you should have assessed so many people and put them on the supplementary list? You know the list that comes in the regular way of business is gone through with. Did it occur to you that you were doing a great public duty as a young man of 29 years of age?—A. I am 26 years of age.

Q. Didn't it occur to you that as a young man of 26 years of age you were evincing a great interest in the public welfare?—A. Yes.

Q. Now, was there any especial reason why you should evince that great interest?—A. I thought it was my duty as a member of the ward committee.

Q. As a member of the Democratic ward committee?—A. Yes, sir.

Q. Then as a member of the Democratic ward committee, you, as an employee of the city of Boston, assisted in getting 49 men on the supplementary list from Ward 8, and they were all Democrats?—A. In my judgment they were.

Q. And all the men that you assisted in getting on that list were Democrats or you would not have assisted them?—A. I never asked them; they were friends of mine.

Q. That is, you were an employee of the city of Boston under a Democratic administration, were you not?—A. Yes, sir.

Q. And as a horse's-ornament worker you were putting letters on the blinders under a Democratic administration and getting \$13.50 per week?—A. Yes, sir.

Q. And in the month of September you assisted in getting a number of names on the list?—A. A number of names; yes, sir.

Q. You never bothered to ask them whether they were Democrats or Republicans, did you? It was a matter of no interest to you at all?—A. I won't say that.

Q. Your duty was the duty of a young man growing up who wanted everybody who desired it to have the right of citizenship?—A. Yes.

Q. Who was Andrew McCallum?—A. He is a waiter.

Q. Where does he live now?—A. At No. 8 Lawrence place.

Q. Did he live there May 1, 1902?—A. Yes.

Q. Does he live there now?—A. I think he does.

Q. Is he married?—A. I don't know.

Q. What room does he occupy?—A. I don't know.

Q. Does he own or hire the house?—A. I don't know.

Q. When you called upon him where did you see him in 8 Lawrence place?—A. He called on me on the street.

Q. Did you ever call on him?—A. I did not.

Q. How did you know that he lived there?—A. I saw him going in and out. I knew he lived there because I saw him going in and out.

Q. Whom else did you go to see at 8 Lawrence place?—A. I never went in to see him.

Q. If you did not go to see him or see anyone else, what reason was there to watch who went in 8 Lawrence place?—A. I live down there, and I pass a hundred times a day.

Q. Did you take no special effort to watch who went in and out of that place?—A. I know him personally.

Q. But you never knew where he lived?—A. I could see the house from my house.

Q. Did you ever see him going in and out of No. 8 Lawrence place?—A. I did.

Q. Who runs 8 Lawrence place?—A. I don't know.

Q. Who lives opposite Andrew McCallum?—A. Another friend of mine lives there, James Patten.

Q. What does he do?—A. He is a waiter.

Q. Does he live there now?—A. Yes, sir.

Q. Did he live there May 1?—A. Yes.

Q. Did you assess him?—A. Yes.

Q. Is that why you remembered him?—A. Yes.

Q. Is your opinion based on the same information that he lives there?—A. Yes, sir.

Q. You know somebody else lives there because you know McCallum lives there?—

A. I know these two gentlemen; they both live there. I have seen them go in and out a number of times. I can see their house from mine.

Q. You understand that you are being examined as to whether or not you made a true statement before the assessors May 1, 1902, and upon being examined the only evidence upon which you based your evidence of last May is what you stated here as to the residence of these two people, that is all. You have told all you know of them?—A. I know them personally. They are friends of my brother, who is a waiter.

Q. That is all you know. You have told why they ought to be put on the assessors' list and should be registered as voters from Ward 8?—A. Oh, no; I know them well.

Q. That is, you know, but you can not express what you know?—A. I can not express what I know. I can express it all right.

Q. Who is Arthur H. Kirkpatrick?—A. He lives at 26 North Anderson street.

Q. You know that right up, don't you?—A. Yes.

Q. Do you know Max Stone?—A. Well, I guess I do.

Q. You know him pretty well?—A. Well enough to say hello to.

Q. You know him thoroughly, don't you?—A. No, not thoroughly.

Q. Do you mean to say, in the 165 acres that comprise Ward 8, another man could be putting on 50 other names of men and you putting on 59 and you not know him?—A. Well, he is of a different nationality.

Q. But of the same politics?

Mr. MORAN. You mislead the witness. Max Stone is a Republican, according to the testimony.

Q. Now, you know Mr. Stone pretty well, don't you?—A. Pretty well.

Q. Where did you first meet him?—A. I guess I met him at a boxing exhibition at the Roanoke Club; I am a member of that club.

Q. How long ago was that?—A. Oh, probably five years ago.

Q. That is, you have known Max Stone for five years?—A. Yes.

Q. Do you know Jacob Barbour?—A. I have seen him; yes.

Q. Do you know Jacob Barbour? was my question.—A. I can't say as I know him; I don't know what you mean.

Q. Will you say you don't know him?—A. I have known him to speak to and say hello.

Q. For how long?—A. Oh, probably the same number of years—five years.

Q. Barbour is a Democrat, isn't he?—A. I don't know; I think he is.

Q. You are a member of the Democratic ward committee of Ward 8, are you not?—A. Yes, sir.

Q. And Barbour is an employee of the city of Boston?—A. I don't know.

Q. You don't know that he is assistant superintendent of peddlers?—A. No.

Q. As a member of the Democratic ward committee of Ward 8, you don't know who are the officeholders of your district?—A. No, sir.

Q. Does your duty as a harness-ornament worker interfere with your knowing your fellow-men?—A. No, sir.

Q. Does your duty or your study of art take your attention from the ordinary pursuits of your fellow-men?—A. No, sir.

Q. You know that Barbour is an officeholder?—A. No, sir; I don't know that. I don't know what he does.

Q. You have known him?—A. No, sir.

Q. You are a member of the Hendricks Club?—A. Yes, sir.

Q. How many are there in the Hendricks Club?—A. I don't know.

Q. When you joined the Hendricks Club did they tell you there were more than three or four members?—A. No, sir.

Q. Do you know approximately how many members there are in the Hendricks Club?—A. There might be 150.

Q. Don't you know most of them?—A. I know quite a number, not all of them.

Q. Never see Barbour down there?—A. No, sir.

Q. You were not here when he testified, were you?—A. No, sir.

Q. You did not hear him say that he was a member of the club?—A. No, sir.

Q. You might have known that he was a member of the club if you had heard him testify?—A. No, sir.

Q. Have you in the last week, since last Saturday, been booked up or looked up a number of witnesses who have appeared as witnesses in the supplementary assessment in Ward 8?—A. No, sir.

Q. What are your dues as a member of the Hendricks Club?—A. A dollar a month.

Q. You pay your fees to whom?—A. Martin M. Lomasney.

Q. He gets the money?—A. I don't know whether he gets it. It goes into the club treasury.

Q. How long have you been a member of the Hendricks Club?—A. I told you once before, I think—two or three years.

Q. Do you know Philip R. Kelly?—A. No, sir.

Q. You don't know him?—A. No, sir.

Q. You never appeared as a witness to the assessment of Kelly up at the city hall in your night work in September?—A. Not to my knowledge.

Q. And if it should appear that you did make oath to his residence at that time, you were not the man?—A. I don't understand that question.

Q. Well, you never did make any affidavit as to Philip R. Kelly's residence before the board of assessors, in September, 1902?—A. Not to my knowledge.

Q. You are Jerome H. Moore, and you live at 6 Bridge court?—A. Yes, sir.

Q. Do you know Herbert W. Pike?—A. Yes, sir; I told you I knew him.

Q. Where does he live?—A. At 19 Temple street.

Q. Does he live there now?—A. I believe he does.

Q. When did you last see him?—A. I don't remember.

Q. When did you first see him?—A. Probably fifteen years ago.

Q. Leave the probably out. When, as a matter of fact, do you recollect that you saw this man?—A. When I saw him last or first?

Q. When you saw him last and when first.—A. I saw him first fifteen years ago, probably.

Q. When did you see him last?—A. Five or six weeks ago, I guess.

Q. What does he do now?—A. Works for John P. Squire, I think.

Q. The pork business?—A. I think so.

Q. Do you know William J. Miles?—A. Yes, sir.

Q. Where does he live?—A. No. 30 Hancock street.

Q. What is his business?—A. He is a clerk.

Q. Where?—A. I think he works for the Oak Hall Clothing Company.

Q. How old is he, apparently?—A. He is a fellow, I should judge, about 30 years of age.

Q. Did you vote at the State election?—A. No, sir.

Q. Where were you at that time?—A. In the Massachusetts Hospital.

Q. When did you go there?—A. October 20.

Q. Some accident?—A. Yes.

Q. What was the matter with you?—A. Went under an operation.

Q. And you went there some time previous to the election and some time after you came out?—A. Yes.

Q. Are you still working—at present employed—as harness-ornament worker for the city of Boston?—A. Yes.

Cross-examination by Mr. MORAN:

Q. Are you at the present time a member of the ward committee?—A. No, sir.

Q. It is a fact, is it not, that in the city of Boston each party has a ward committee?—A. Yes, sir.

Q. The Republican party has one as well as the Democratic?—A. Yes.

Q. And the members of the various ward committees throughout the city constitute what is known as the ward and city committee?—A. Yes, sir.

Q. And it is a part of the duty of the ward committee in each ward to attend to the assessment and registration of voters?—A. Yes, sir.

Q. To bring out as full a vote as possible for the benefit of their own party?—A. Yes, sir.

Q. That is the practice of both the Democratic and Republican parties?—A. In my judgment.

Q. Max Stone of Ward 8 is a well-known Republican in that ward, is he not?—A. Yes, sir.

Q. You are a Democrat?—A. Yes, sir.

Q. In replying to the various questions counsel put to you you were testifying to your best recollection?—A. Yes, sir.

Q. Exercising your memory as well as you could?—A. Yes, sir.

Q. It was not what you would call guesswork?—A. No, sir.

Q. As distinguished from memory?—A. No, sir.

Q. But when you occasionally used the word "guess," you meant to say my memory is that way?—A. Yes, sir.

Q. The present mayor of the city of Boston is the Hon. Patrick A. Collins?—A. Yes, sir.

Q. You took office in the city of Boston, in the water department, under Mayor Collins's administration?—A. Yes, sir.

Q. And you are retaining office under his administration?—A. Yes, sir.

Q. Who has chief charge of your department?—A. Mr. Rosnosky.

Q. Isaac Rosnosky?—A. Yes, sir.

Q. And he is a well-known Democrat in the city of Boston, is he not?—A. Yes, sir.

Q. Of Ward 9?—A. Ward 9, I believe.

Redirect examination by Mr. MALLEY:

Q. When were you last elected to the Democratic ward committee of Ward 8?—A. When was I last elected?

Q. Yes, when did you last serve?—A. I was elected for 1902.

Q. And you resigned in order to take a position under the Democratic administration when Mr. Collins was mayor?—A. No, sir.

Q. When did you resign?—A. I did not know that I did resign.

Q. Are you still a member of the ward committee?—A. No, sir.

Q. What action did you take in severing your relations with the ward committee? Are you now a member?—A. No, sir.

Q. There has been no election since you were elected for the Democratic committee of the ward?—A. I can't remember.

Q. That is, you don't know whether your term has expired or not, do you?—A. Well, I know that it has expired.

Q. You know you are not on the committee, but you don't know why?—A. I don't know why.

Q. In August, 1902, were you a member of the Democratic committee of Ward 8?—A. I don't know; I can't remember whether I was or not?

Q. Do you mean to say you don't know and can't say whether you were a member of the Democratic ward committee or not?—A. I can't say.

Q. Mr. Rosnosky is a well-known Democrat in Boston?—A. I know him.

Q. What position does he occupy?—A. Deputy superintendent of the water department.

Q. And through him you got into the position you now hold?—A. Well, I don't know—no.

Q. Who appointed you?—A. I believe the commissioner, Mr. Sullivan, appointed me.

Q. Through whose influence, if anybody's, did you get appointed as harness ornament worker of the water department of the city of Boston?—A. Well, Martin M. Lomasney recommended me.

Q. Did he recommend you to qualify or get a rating before the civil service as harness ornament worker?—A. No, sir.

Q. But who did recommend you for that position?—A. I did.

Q. That is, you talked to yourself about it?—A. No, sir; but I thought using my judgment—

Q. It was the best way to get on?—A. Yes.

By Mr. MORAN:

Q. Is it not a fact that in December of each year there is a caucus in which they nominate ward committeemen and caucus men for each year?—A. Yes, sir.

Q. And in December, 1901, you were elected on the committee for the following year?—A. Yes, sir.

Q. And you were not elected last December for 1903?—A. No, sir.

Q. That is, you are in the same position in being on the ward committee that Mr. Conry is to Congress? You were elected one year and the next year you are out?—A. Yes, sir.

By Mr. MALLEY:

Q. There is quite a distinction between the two. The next year you did not try to get back?—A. No, sir.

Q. You did not have poison administered to you, did you?—A. No, sir.

CHARLES E. FOLSOM, resumed.

By Mr. MALLEY:

Q. Will you kindly refer to the assessment of Henry Barron, 51 Allen street, on the supplementary assessment, and tell me who the witnesses were?—A. Jerome H. Moore and William J. Shanahan.

Q. Where was Shanahan's residence?—A. No. 26 Pitts street.

Q. Charles T. Baker?—A. Jerome H. Moore and William J. Murphy.

Q. George Cavanaugh, 31 Leverett street?—A. J. H. Moore and Patrick Houlighan.

Q. John T. Cronan, 10 Norman street?—A. Moore and Daniel J. McLaughlin.

- Q. Nicholas F. Devereaux?—A. Moore and Jeremiah J. McCarthy.
 Q. James Daugherty, 12 Causeway street?—A. Moore and Joseph T. Walsh.
 Q. George T. Dyer?—A. Jerome H. Moore and William J. Murphy.
 Q. Lawrence S. Finnegan, 26 Pitts street?—A. Moore and Shanahan.
 Q. Charles W. Glenn, 51 North Russell street?—A. Moore and M. Lamont Powers.
 Q. Daniel Hurlihy, 55 Charles street?—A. Moore and Michael J. Walsh.
 Q. John H. Hines?—A. Moore and Shanahan.
 Q. Michael J. Keliher, 19 Causeway street?—A. Moore and Francis B. Lang.
 Q. Arthur H. Kirkpatrick?—A. Moore and William G. Clark.
 Q. John Mayer, 88 Chardon street?—A. Moore and David Mancovitz.
 Q. John J. McGilinchy, 9 Cunard avenue?—A. Moore and Shanahan.
 Q. Hugh McMillan, 5 Hancock street?—A. Edward J. Devereaux and Moore.
 Q. Albert E. Moody, 45 Allen street?—A. Moore and John P. Cavanaugh.
 Q. Charles Netzeba, 40 Lynde street?—A. William F. Downey and Moore.
 Q. Charles P. Ott, 22 Nashua street?—A. Moore and Michael J. Walsh.
 Q. James A. Patten, 8 Lawrence place?—A. Moore and Dennis J. Collins.
 Q. Did the occupation of the assessed polls appear on the record?—A. Yes, sir.
 Q. What is the occupation of James A. Patten?—A. He is a waiter.
 Q. And of Herbert W. Pike, 19 Temple street?—A. Clerk.
 Q. Who were witnesses for him?—A. Moore and David Mancovitz.
 Q. Bernard Somes, 61 Milton street?—A. Clerk, David Mancovitz and Moore.
 Q. John Whooley, 373 Charles street?—A. Fireman, E. J. Dever and Moore.
 Q. Thomas W. McTiernan, 26 Pitts street?—A. Lineman, Moore and Shanahan.
 Q. Thomas F. Bowers, 48 Temple street?—A. Civil engineer,* Joseph F. Walsh and Jerome H. Moore.
 Q. Thomas A. Carroll, 26 Pitts street?—A. Fireman, Shanahan and Moore.
 Q. Edward J. Chapin, 19 Temple street?—A. Clerk, Moore and J. H. Mundy.
 Q. Paul Dissmore?—A. Steam fitter, William T. Leighton and Jerome H. Moore.
 Q. Martin Driscoll, 7 Allen street?—A. Laborer, Michael J. Walsh and Moore.
 Q. James B. Drysdale, 26 Pitts street?—A. Clerk, Moore and Shanahan.
 Q. James F. Gorman, 26 Pitts street?—A. Waiter, Shanahan and Moore.
 Q. George E. Hastings, 26 Pitts street?—A. Driver, Moore and Shanahan.
 Q. Edward M. Haley, 2 Allen court?—A. Laborer, Moore and Walsh.
 Q. Michael Higgins, 150 Leverett street?—A. Boiler maker, Michael J. Walsh and Moore.
 Q. William E. Halland, 54 Leverett street?—A. Printer, Moore and David Mancovitz.
 Q. John L. Lehan, 86 Leverett street?—A. Moore and William C. Dowling.
 Q. Jeremiah F. Mahoney, 6 Bridge court?—A. Porter, Moore and Charles W. Murphy.
 Q. Andrew McCallum, 8 Lawrence place?—A. Moore and Collins.
 Q. What is the business of Dennis Collins?—A. Constable, 74 Poplar street.
 Q. William J. Miles, 30 Hancock street?—A. Clerk, Moore and Wm. J. Murphy.
 Q. John V. Mulkahy, 32 Hancock street?—A. Clerk, Edward J. Dever and Jerome H. Moore.
 Q. Patrick Newman, 1 Emmet street?—A. Engineer, Moore and James Grant.
 Q. Joseph J. Patterson?—A. Michael J. Fallon and J. H. Moore.
 Q. Alfred J. Perry, jr., 7 Blossom street?—A. Roofer, George M. Kenney and J. H. Moore.
 Q. Sol Selib?—A. Tailor, 9 Auburn street, David Abrams and J. H. Moore.
 Q. Timothy J. Sullivan, 26 North Anderson street?—A. Clerk, Wm. T. Leighton and J. H. Moore.
 Q. Thomas Wise, 56 Nashua street?—A. Laborer, J. H. Moore and Patrick O'Shay.
 Q. Jeremiah J. Gallagher, 56 Spring street?—A. Clerk, Jeremiah J. McCarthy and John H. Farley.
 Q. Edward J. Galvin, 56 Spring street?—A. Clerk, Farley and McCarthy.

Cross-examination by Mr. MORAN:

- Q. What part of Boston do you live in?—A. Ward 20. I was thirty years in one street, in Dorchester.
 Q. You are a Republican in politics?—A. I am.
 Q. How long have you been holding the position you now hold?—A. Five years since the 2d day of next August I have been a member of the board of assessors, and I have been secretary about two years.
 Q. Had you been in Republican politics preceding the holding of this office?—A. I had.
 Q. What office did you hold?—A. I was a member of the board of aldermen, common council, and of the Massachusetts senate.

Q. Always as a Republican?—A. Yes, sir.

Q. Did you attend any of the national conventions of the Republican party?—A. Never attended a national convention.

Q. Have you attended a State convention as a delegate?—A. I have.

Q. And participated in the nomination of Republican nominees for State officers, including governor and lieutenant-governor, etc.?—A. I have.

Q. Were you at any time a member of the Republican ward committee of the ward in which you live?—A. I never was.

Q. Are you familiar with the law which relates to assessment on the supplementary list?—A. Fairly familiar with it, I think.

Q. I show you Volume I of the Revised Laws of Massachusetts, chapter 11, on page 109, and the section which I will have you read will be section 19. I desire to read that to you and then ask you a question about it.

"Sec. 19. If a male person resident in a city or town on the first day of May was not assessed for a poll tax, he shall, in order to establish his right to assessment, present to the assessors a statement under oath that he was on said day a resident of such city or town and liable to pay a poll tax therein, and a list under oath of his polls and estate, and shall also produce before the assessors two witnesses, who shall testify, under oath, that they are voters of the ward or town in which such person desires to be registered, and that the statement of the applicant is true.

"A male person who becomes a resident of a city or town after the first day of May and desires to be registered as a voter shall present to the assessors a statement under oath that he has been a resident of such city or town for six months immediately preceding the election at which he claims the right to vote, and shall produce before the assessors two witnesses, who shall testify, under oath, that they are voters of the ward or town in which such person desires to be registered, and that the statement of the applicant is true.

"If the assessors are satisfied that such statements are true, they shall, in the first case, assess such applicant for his polls and estate and give him a certificate of assessment, and in the second, give him a certificate that he has been a resident in such city or town the six months preceding such election; but in Boston no persons shall be assessed as above provided later than the first day of October."

Now, as you understand that law, and as it is interpreted in the office of the assessors, when a person's name is not on the list of assessed voters, he is to appear with two witnesses before an assessor or some assistant assessor, does he not?—A. Not before an assistant.

Q. Well, before some assessor?—A. Yes.

Q. Then he is examined by the assessor, is he not?—A. Yes.

Q. And after he is examined by the assessor as to his qualifications for assessment, then the two witnesses are called on to swear that the applicant's statements in answer to the assessor's questions are true?—A. Usually they all—

Q. Pardon me, is that not what he is called upon to do?—A. He is called upon to do that; yes.

Q. Now, is there any form which the applicant has to sign?—A. Yes; there is a form.

Q. Have you such a form with you?—A. Yes.

Q. Will you produce it?—A. Yes. [Producing paper.]

Q. This paper which I now hold in my hand is a paper which is to be signed by the applicant?—A. And both witnesses.

Q. And both witnesses. (Exhibit 153.) The second paper which you offer to me is the same thing?—A. Yes, sir; another copy. I had two or three of them.

Q. So that the applicant has to sign a statement, a portion of which reads as follows: "I resided on the 1st day of May at ——— until ——— with the intention of residing in such city as a taxpayer. I lived on May 1 of last year at ——— street." Then the witness subscribes to this form of affidavit at the bottom, "I ——— by occupation, ——— living at ——— street, in ——— Ward, and I on oath depose and say that I am a registered voter of said ward ———, and that the statement of the above-named applicant is true." Now, as you understand it, those witnesses are called on to swear to that fact which they have personal knowledge of, are they not?—A. They are.

Q. As an assessor you would not place the applicant's name on the list if the witnesses told you that they had no personal knowledge, but had knowledge only by hearsay?—A. No; we would not accept their paper.

Q. You would not accept them as witnesses? Do you know Courtney Guild?—A. Yes, sir.

Q. Is he a brother of the lieutenant-governor of this State?—A. I suppose he is; I believe he is.

Q. And both of them are members of the Republican party?—A. Yes, sir.

Q. The lieutenant-governor of the State is one of the orators who accompanied President Roosevelt during the last campaign through the West on his tour?—A. Yes, sir.

Q. And is one of the most prominent members of the Republican party in this State?—A. Yes, sir.

Q. Known through this State and through other States?—A. Yes.

Q. Now, Courtney Guild, his brother, was private secretary to the Republican mayor, Edwin U. Curtis, wasn't he?—A. Yes.

Q. And Edwin U. Curtis was mayor for the year preceding Mayor Quincy's first administration?—A. Yes.

Q. And Mayor Hart, a Republican, took office after Mayor Quincy's four years' service, did he not, as mayor of the city of Boston?—A. Yes.

Q. While the Republican mayor, Hart, held office was Courtney Guild appointed to any office?—A. Yes.

Q. What office?—A. City collector.

Q. And how long did he serve as city collector?—A. During the year 1901 and perhaps into 1902 for a short time. I can't tell the exact date.

Q. In 1896 did Courtney Guild appear as a witness for the assessment of any person?—A. Yes; I think he did.

Q. Have you got a memorandum there which will enable you to testify as to it? You were requested by me, yesterday afternoon, to produce various memorandums?—A. I was.

Q. In order to be able to reply to various questions of mine?—A. Yes, sir.

Q. Of what ward was Courtney Guild a resident in 1896?—A. Ward 11.

Q. And that is the alleged aristocratic ward of the city, is it not?—A. One of them.

Q. It is a stronghold of the Republican party, is it not?—A. One of them; yes. You can't go back on Ward 20, you know.

Q. Now how many assessed voters on the supplementary list in 1896 did Courtney Guild appear as witness for?—A. Forty.

Q. Will you state the business of each one of the persons on whose assessment he appeared?—A. Do you want me to give the names?

Q. No; just state the occupations.—A. The first one is student, no occupation, clergyman, minister, stationer, student, janitor, janitor, shoes, vocalist, clerk, clergyman, physician, city missionary, broker, provisions, clergyman, physician, waiter, student, salesman, merchant, minister, physician, druggist, dry goods merchant, bootblack, janitor, broker, dry goods clerk, broker, real estate, waiter, student, barber, artist, janitor, and banker.

Q. Nine of these persons are assessed from one house, 72 Mount Vernon street, are they not?—A. That I don't know. I could tell by counting up.

Q. Well, count them.—A. I made but 7. Perhaps I missed 1. I make but 7.

Q. I show you now a copy of the Boston Herald, March 28, 1903, an interview with Courtney Guild. I read you a portion of his interview: "Of course, I can't say whether I put in 40 persons or not, so far back as 1896. But I stand behind all I did put in. In that year I was chairman of the Republican ward committee. The year before the assistant assessor had taken off the list a good many names, and there was considerable kicking throughout the ward. Now, 1896 being a Presidential election year, and the silver campaign being on, there was, of course, a hustle for all the voting men. Because I was chairman of the ward committee, people desiring to have their names go on the list either came or were brought to me. But I certified for no person, as I said before, until I had investigated. Many of the parties I had previously known by face, having seen them around the ward. As for the theological students, why, they live only a few doors below my house here. I went in their building, impressed upon them the importance of the campaign, and found out the names of those who supported themselves in Boston. And the 10 who were certified to by me were qualified legally to become citizens of the city."

Now, if Mr. Courtney Guild had appeared before you and told you that in relation to these 40 men he had a recollection of their faces and did not know them on the preceding 1st of May, did not know where they lived on the preceding 1st of May, except as he had learned within a few days of the time the supplementary list is being made up, on an investigation being made by him at that time, would you have accepted him as a witness?—A. No.

Q. You would not. Now, if we assume that Courtney Guild's statement to the Herald as I have read it to you is true, Courtney Guild was not at that time a person qualified to testify in relation to these men, was he?—A. I don't think I should want to say that.

Q. I say assuming that his statement in the Herald was true he was not such a

person as was qualified in your opinion to testify?—A. Well, I should want to read that once more before I answered that, I think.

Q. "But I certified for no person, as I said before, until I had investigated. Many of the parties I had previously known by face, having seen them around the ward. As for the theological students, why, they live only a few doors below my house here. I went in their building; impressed upon them the importance of the campaign, and found out the names of those who supported themselves in Boston." Now, it appears from that statement that he went a few days before he appeared for the purpose of assisting them to get assessed; that he went around and investigated and secured information about where they did live, and impressed upon them the advisability of being assessed; had known many of them by face, by seeing them round about the ward. Now, if that is all the information he had of any of those 40 men, you would say that he was not qualified as a witness?—A. I think if he had investigated, came in and put up his right hand and took an oath, I think—

Q. If he gave you that information when he appeared as a witness would you say that he was or was not a proper person to be a witness as to those names?—A. Well, I don't feel that I can answer that yes or no.

Q. Would you as an assessor accept such a man, one who came in and said, "I did not know these men on the 1st of May. I have seen them around through the ward. I went down to their houses and investigated through other people, and I now offer myself as a witness?"—A. No; I don't think if he came in with that statement we would accept him.

Q. Now, would you accept such a man as Moore if he came in and testified as he said with relation to the various persons on whose papers he appears as a witness? Would you accept him if he told you that as to each one of these men, "I have personal knowledge as to where he lived on May 1 from my observation at that time, from my knowledge of the men living there six months before and two years, and some of them from my calling on them and from seeing them go into the houses?" You would accept him as a suitable witness, would you not?—A. Yes; or anybody else.

Q. Do you know of any illegal assessments?—A. No, sir.

Q. Is it part of the duty of the assessors, or of any person in the assessors' department, to make observation as to whether there is any illegal assessment or not?—A. No; it is our duty to follow the law, which we do.

Q. What is the average length of services of the assessors?—A. You mean the first assistant assessors?

Q. Yes; those who go out and make assessments?—A. The average length of service of the 440 assistant assessors is ten and fifty-seven one-hundredths years.

Q. As to any other officers of the department, give me their average.—A. Clerks, you mean?

Q. Yes.—A. We have 34 permanent street clerks who also do office work, and their average term of service is twenty and four-tenths years.

Q. Any other average you have compiled?—A. That is all I have, just clerks and first assistants.

Q. How many chief assessors are there?—A. Nine.

Q. How are they divided as to political parties?—A. You mean at the present time?

Q. Yes.—A. Five Democrats and 4 Republicans.

Q. How long have they been thus divided?—A. Well, they have been divided that way for quite a little time; I can't tell just how long. There was a time when, owing to death, there were four of each. There have been five to four I think for quite a while.

Q. For a number of years they have been five to four?—A. Yes.

Q. How are the first assistant assessors divided as to politics?—A. The first assistants are equally divided.

Q. An equal number of Democrats and Republicans?—A. There are 22 Republicans and 22 Democrats.

Q. And that makes 440 assistant assessors?—A. Yes, sir; the second assistants are divided in the same way.

Q. How many second assistant assessors are there?—A. Forty-four.

Q. And they are divided equally between the Republican and Democratic parties?—A. Yes.

Q. How are the clerks divided?—A. I don't know how the clerks are, they are so long there—about as many years as I am old.

Q. What is the longest period of service of the clerks?—A. Forty-six years, I think.

Q. Read to me the longest period of service of four or five of them.—A. Do you want the names?

Q. No; just the period.—A. The first one is thirty-eight years, the second twenty-

nine years; then forty-six years, thirty-nine, twenty-five, twenty, twenty-eight, twenty-nine, thirteen, seventeen, forty-two, twenty-eight, thirty-nine, eighteen, twenty-one, and twenty-eight. I think I have read all over ten years. There are only twelve in the board among the clerks that have served less than ten years, and the shortest time that anyone has served is four years.

Q. All the assessors, first and second assistants, and clerks are competent, honest men?—A. I believe so.

Q. Did you ever know of any one of the assessors, assistant or principal, assessing a dog collar?—A. I never did.

Q. Did you hear a story as to how some assessor secured the name of the inhabitant of a building by taking the name of the owner of the dog from the collar?—A. I have heard that story.

Q. How old is that story as repeated in the office?—A. They say it is 25 or 30 years old.

Q. Do you know that Courtney Guild used that story in the legislative hearing the other day?—A. I know that he told one similar to that.

Q. A story of twenty-five years' standing is hardly one that applies to the present condition of things?—A. I don't think it applies to the board of assessors of to-day.

Q. To whom is No. 8 Bulfinch street, testified to by Captain Gaskin as a house of ill-fame for four years—to whom is it assessed?—A. For what year?

Q. The present year and each year back.—A. Jeremiah Tinkham.

Q. Do you know what his business is?—A. I don't know.

Q. Do you know whether he is related to any ex-alderman of the city of Boston?—A. I do not.

Q. What ward is the house, 8 Bulfinch street, in?—A. Ward 6.

Q. To whom was that house assessed the preceding year? If you know without referring to the book you may tell us.—A. No; I don't know. I have not looked it up. I simply brought the book with the entries. [After looking into the book.] The same party in 1900.

Q. Where does Jeremiah Tinkham live?—A. I don't know; the address is not on this book.

Q. Look up the preceding year.—A. The same owner.

Q. The preceding year.—A. That is as far as I have gone.

Q. For the last three years it is Jeremiah Tinkham?—A. It was assessed on May 1 last year, and the two years preceding, to Jeremiah Tinkham.

Q. Now, look up No. 3 Bulfinch street, and tell me to whom that has been assessed for the last three years.—A. To Tena Bolton, 1899.

Q. What is her address?—A. There is no address given here, I think.

Q. Give me the assessment of No. 3 Bulfinch street for the last three years.—A. Tena Bolton in 1900 and Alexia A. McKenzie in 1902.

Q. What is her address?—A. Worcester, Mass.

Q. Is that the last assessment?—A. That is the last assessment, May 1, 1902.

Q. Now, No. 2 Bulfinch street.—A. No. 2 is assessed to Henry L. and Edward T. Dyer; that is in 1902, the last assessment, May 1.

Q. What is Dyer's address?—A. No address; the bill goes to D. S. Burnham, 267 Washington street.

Q. Who is Burnham?—A. I don't know.

Q. To whom was No. 2 assessed last year?—A. The same parties, Henry L. and Edward T. Dyer, in 1901.

Q. Look in 1900.—A. Henry Dyer in 1900.

Q. He was owner of the two? Now, 33½ Green street.—A. No, 33 and 33½ Green street are assessed to Etta Meadow, Bangor, Me.

Q. Where is the bill sent?—A. To 20 Haines street.

Q. To whom?—A. There is nothing beyond that.

Q. Who owned that place a year ago, 1901?—A. The same party.

Q. And in 1900?—A. Samuel A. Carleton.

Q. What?—A. No; there were two transfers there.

Q. I will not bother you, then, if there were two transfers.—A. It was assessed on May 1 to Samuel A. Carleton. This was 1900, and it was transferred to Etta Meadow and went on the 1901 book.

Q. Now, look at 26 Pitts street.—A. I don't know that I have that book, unless it is in the same book. The record May 1, 1901, is Flora A. Ginty.

Q. Who was the record owner May 1, 1900?—A. The same one.

Q. Now, who was the man who was a witness with Courtney Guild upon the 40 cases?—A. Oh, there were different men—quite a number of different persons.

Q. Was there any man who was with him on a large number of them?—A. Yes; William L. Reed seems to be on quite a number.

Q. How many was he on with Mr. Guild?—A. On 12, I think.

Q. Do you know who that Reed is?—A. I think I do.

Q. Who is he?—A. I think he was in the collector's department in 1895, and I don't know whether he has been there since then or not.

Q. Where is he employed now?—A. I don't know.

Q. He is a colored fellow, is he not?—A. Yes.

Q. Was he not appointed by Governor Crane as one of his messengers?—A. Yes, he was; I knew that I ought to know but I could not place it.

Q. Hasn't he been reappointed by Governor Bates as one of his messengers?—A. I rather think so but I would not be sure.

Q. Now, have you prepared a list of persons who, in 1902, through the Ninth Congressional district appeared as witnesses in supplementary assessment for a large number of persons?—A. I have a list showing the number of papers that every witness in the Ninth district went on, giving simply the numbers, the number of papers each one had.

Q. Will you give me that list?—A. I shall have to explain this; this covers all wards and these are the names and these are the number of papers they are on, alphabetically arranged.

Q. Have you struck off anywhere the ones that have the largest numbers?—A. No; these are wards 6, 7, 8 and 9, and two precincts of Ward 12 are in there, and the rest of the wards are in that book.

Q. Will you look for the name of the chairman of the Republican Ward 6 committee?—A. I think the name is Pettitti.

Q. What is that?—A. Jerome A. Pettitti, 247 Hanover street, who appeared on 89 papers.

Q. So that he beat out Max Stone about two to one; he was on 40?—A. If he was on 40, he beat him.

Q. Dr. Santosuosso, of Ward 6?—A. Ralph Santosuosso, 204 Hanover street, 43 papers.

Q. Now, he was one of the men who was opposing the regular organization down there in 1902, was he not?—A. I don't know.

Q. Look up in Ward 6, Lagoni, another opponent of the regular organization.—A. Joseph A. Lagoni, 19 Thatcher street, 21 papers.

Q. Look up another opponent of Mr. Fitzgerald's regulars in Ward 6, Chiampa.—A. Gastoni Ciampa, 21 Charter street, 20 papers.

Q. Another opponent of the regulars of Ward 6, Romano.—A. Romano Severio, 247 Hanover street, 17 papers.

Q. Now, let us go over to Ward 2, the stronghold of Joseph Conry.

Mr. MALLEY. We object to that on the ground that the Revised Statutes of the United States, section 121, with reference to testimony taken by either party to the contest, provide as follows: "The testimony to be taken by either party to the contest shall be confined to proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections 105-106." There has as yet been no answer filed by the contestee, nor has he in any way set up in this hearing or previous thereto any allegations as to anything pertaining to the Congressional election out of which arose this contest in Ward 2 or in any place in the district. The contestant has specifically alleged in his notice of the contest the allegations upon which he seeks to rely, and as those are confined exclusively to Wards 6, 7, 8, 9, and precincts 6 and 7 of Ward 12, any inquiry into what may or may not have been done in any other portion of the district is not admissible under this section of the Revised Statutes.

Mr. MORAN. The contestee claims this evidence in relation to Ward 2 is offered for the purpose of showing the custom universally prevailing through the entire district, of persons appearing as witnesses for many applicants for assessments at the making up of supplementary assessment lists.

Mr. MALLEY. As I have said before, our allegations are confined to Wards 6, 7, 8, and 9 and a portion of Ward 12, and to no other parts of the entire district. Under the section of the Revised Statutes I have already quoted, I now ask your honor to rule that any evidence not pertaining to the allegations set forth in the contestant's notice of contest is not material and should not be taken.

Mr. MORAN. The contestee objects to the court excluding the evidence, for the reason that the court is sitting not as a judicial tribunal but merely as scrivener, taking down all the evidence as offered, it being the privilege of Congress, the contestee claims, to exclude all evidence that to it, Congress, appears inadmissible.

Mr. MALLEY. On behalf of the contestant I would say that I presume the court is sitting under the law provided for such cases.

Judge BARNES. I now rule that any testimony offered in this case shall be confined to the proof or disproof of the facts alleged or denied in the notice mentioned in section 105 of the Revised Statutes of the United States. I make this ruling in accord-

ance with section 121 of the Revised Statutes of the United States and in accordance with the practice as to the taking of evidence in courts of the United States.

Mr. MORAN. The contestee reserves by objection and exception all his rights.

Josiah S. Dean, an officer having authority to take depositions in contested election cases, and having been selected by John A. Keliher, the contestee, to officiate with the officer named in the notice of the taking of depositions, dissents from this ruling on the ground that he is simply an officer whose duty it is to take all the testimony that may be offered by either side in this contest, and see that it is correctly transcribed for transmission to the Clerk of the House of Representatives.

Mr. MULLEY. Inasmuch as the officer selected by the contestee to officiate with the officer named in the notice for the taking of depositions has wished it inserted in the record that he dissented from the ruling of Judge Barnes, and inasmuch as his view of his attitude in the case is that he shall not regard the law in such cases made and provided for the carrying out of the taking of testimony, the contestant wishes at this time to call attention to and to renew his objections to the sitting of such officer, made at the time he offered to take his seat, on the ground that he is not a chancellor, judge, or justice of a court of record of any State residing within the Congressional district in which the election now contested was held.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

EAST BOSTON DISTRICT COURT.

I hereby certify that this volume, containing about 54 pages, is a true and correct record of the testimony and proceedings in the contested election case of Joseph A. Conry against John A. Keliher before me March 28, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein described.

JOSEPH H. BARNES, JR.,

Special Justice East Boston District Court.

NOTICE TO TAKE DEPOSITIONS.

JOHN A. KELIHER, or his attorneys:

You are hereby notified that I intend to take testimony of the witnesses whose names and addresses are given in the appended list on Tuesday, March 31, 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestant and you are the contestee, relating to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 1 o'clock in the afternoon, before Joseph H. Barnes, esq., a special justice of the East Boston district court, at the court room of said court on Meridian street, East Boston, and if the taking of said depositions is not concluded on said date the further taking of such depositions will be continued from day to day at the same hour and place until fully concluded.

Dominico Mayino, 2 Gough street place, Boston, Mass.; Nathan L. Brooker, 1 Gough street place, Boston, Mass.; Eugene J. Eagan, 10 Norman street, Boston, Mass.; George A. Brown, 10 Norman street, Boston, Mass.; Charles Keaplovech, 10 Norman street, Boston, Mass.; Angelo Tucci, 2 Lyman place, Boston, Mass.; Fred C. Locke, 47 Chambers street, Boston, Mass.; John F. Brockley, 49 Chambers street, Boston, Mass.; William L. Dahlin, 49 Chambers street, Boston, Mass.; Joseph Tenaublat, 6 Hale street, Boston, Mass.; Sam Rusidsky, 68 Green street, Boston, Mass.; Charles R. Gilbert, 69 Green street, Boston, Mass.; Max Lipshitz, 78 Green street, Boston, Mass.; Arthur W. Olson, 10 Green street, Boston, Mass.; Thomas J. Sears, 44 Staniford street, Boston, Mass.; John Flanagan, 11 Staniford place, Boston, Mass.; John M. Bartley, 19 Staniford street, Boston, Mass.; William Gove, rear 31 Lynde street, Boston, Mass.; Samuel Blech, 44 Lynde street, Boston, Mass.; Bernard Teitelbaum, 44 Lynde street, Boston, Mass.; William C. McCarthy, 42 Lynde street, Boston, Mass.; John J. Sheehan, 37 Lynde street, Boston, Mass.; Dennis F. Callahan, 14 Lynde street, Boston, Mass.; Charles F. Quinn, 2 Lynde street place, Boston, Mass.; Joseph Coleman, 140 Merrimac street, Boston, Mass.; Sigmund Fine, 11 Norman street, Boston, Mass.; Thomas Burston, 69 Staniford street, Boston, Mass.; Daniel F. Gallagher, 134 Staniford street, Boston, Mass.; Frederick Foley, 134 Staniford street, Boston, Mass.; Joseph H. Simmons, 119 Staniford street, Boston, Mass.; Eugene A. Sullivan, 36 South Margin street, Boston, Mass.; John L. Weir, 3 South Margin street, Boston, Mass.; Hyman Goldberg, 1 Eaton place, Boston, Mass.; Jacob Brisky, 1 Eaton place, Boston, Mass.; Peter Polack, 17 Lyman street, Boston, Mass.; Fred W. Edwards, 10 Norman street, Boston, Mass.; Henry B. Mitchell, 10 Norcross street, Boston, Mass.

JOSEPH A. CONRY.

By his attorneys, FRANCIS F. HARRINGTON,
CHARLES F. M. MULLEY.

SUFFOLK, ss.

BOSTON, March 27, 1903.

I hereby certify that I this day notified the within-named John A. Keliher of the within hearing by giving in hand to his attorney, John B. Moran, esq., a duplicate original copy of the within notice.

Said service was made in the Pemberton Building in said Boston.

JOHN J. CONROY,

Constable of the City of Boston.

MARCH 25, 1903.

JOSEPH H. BARNES, JR.,

Special Justice of the East Boston District Court:

On behalf of Joseph A. Conry, contestant in a contested Congressional election case against John A. Keliher, returned member from the Ninth Massachusetts Congressional District, I hereby apply to you, under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court room of the East Boston district court, on Meridian street, in East Boston, within said district, to the following-named witnesses, whose names and addresses are herewith submitted for examination, March 31, 1903, at 1 p. m.:

Dominico Navino, 2 Gough street place, Boston, Mass.; Nathan L. Drooker, 1 Gough street place, Boston, Mass.; Eugene J. Eagan, 10 Norman street, Boston, Mass.; George A. Brown, 10 Norman street, Boston, Mass.; Charles Keaplovech, 10 Norman street, Boston, Mass.; Angelo Tucci, 2 Lyman place, Boston, Mass.; Fred C. Locke, 47 Chambers street, Boston, Mass.; John F. Brockley, 49 Chambers street, Boston, Mass.; William L. Dahlin, 49 Chambers street, Boston, Mass.; Joseph Tenaublat, 6 Hale street, Boston, Mass.; Sam Rusidsky, 68 Green street, Boston, Mass.; Charles R. Gilbert, 69 Green street, Boston, Mass.; Max Lipshitz, 78 Green street, Boston, Mass.; Arthur W. Olson, 10 Green street, Boston, Mass.; Thomas J. Sears, 44 Staniford street, Boston, Mass.; John Flanagan, 11 Staniford street, Boston, Mass.; John M. Hartley, 19 Staniford street, Boston, Mass.; William Givc, rear 34 Lynde street, Boston, Mass.; Samuel Blech, 44 Lynde street, Boston, Mass.; Bernard Teitelbaum, 44 Lynde street, Boston, Mass.; William C. McCarthy, 42 Lynde street, Boston, Mass.; John J. Sheehan, 37 Lynde street, Boston, Mass.; Dennis F. Callahan, 14 Lynde street, Boston, Mass.; Charles F. Quinn, 2 Lynde street place, Boston, Mass.; Joseph Coleman, 140 Merrimac street, Boston, Mass.; Sigmund Fine, 11 Norman street, Boston, Mass.; Thomas Burston, 69 Staniford street, Boston, Mass.; Daniel F. Gallagher, 134 Staniford street, Boston, Mass.; Frederick Foley, 134 Staniford street, Boston, Mass.; Joseph H. Simmons, 119 Staniford street, Boston, Mass.; Eugene A. Sullivan, 36 South Margin street, Boston, Mass.; John L. Weir, 3 South Margin street, Boston, Mass.; Hyman Goldberg, 1 Eaton place, Boston, Mass.; Jacob Brisky, 1 Eaton place, Boston, Mass.; Peter Polack, 17 Lyman street, Boston, Mass.; Fred W. Edwards, 10 Norman street, Boston, Mass.; Henry B. Mitchell, 10 Norcross street, Boston, Mass.; Michael H. Travers, 7 Bowdoin square, Boston, Mass.

JOSEPH A. CONRY.

ELEVENTH HEARING.

EAST BOSTON, March 31, 1903.

CHARLES E. FOLSOM.

Cross-examination resumed by Mr. MORAN:

Q. I can not ask you anything about Ward 2, because Mr. Barnes, sitting at the request of Mr. Conry, has ruled that we can not go into any wards except 6, 7, 8, and 9, and a portion of Ward 12. This ruling is made by Judge Barnes, but dissented to by Judge Dean. Now, I will ask you, however, in relation to the wards referred to in Mr. Conry's notice of contest, Wards 6, 7, 8, and 9, and precincts 6 and 7 of Ward 12, those being the wards and precincts designated by Mr. Conry in his notice. I will take the wards in their order. Ward 6. Will you look at the records that you have in relation to that ward as to the supplementary assessment in 1902?—A. I have the list here.

Q. Will you read off to me the name of the witness and the number of cases that he assisted in the assessment of, taking those that have assisted in more than eight or nine—just the name of the witness and the number of cases that he assisted in?—A. Raphael L. Angalone, 43; Dominico Botte, 15; J. B. Benersani, jr., 12; Giuseppe Cozza, 19; Michele Colola, 46 North Bennett street, 12; Guepano Ciampa, 21 Charter street, 20; Dennis H. Collins, 228 Commercial street, 10; Dominico d'Alessandro, 38

Charter street, 24; Richard E. Dooley, 36 Sheafe street, 12; Dominico A. Grosse, 1 Tileston place, 25; Joseph A. Tangone, 19 Thatcher street, 21; Edward J. Modlitt, 3 Endicott street, 14; Frederick Nazarro, 25 North square, 13; Angelo O. Nessimo, 23 Margaret street, 36; Vincenzo Tenta, 3 Webster place, 34; Jerome A. Pettitti, 247 Hanover street, 89; Israel Pinanski, 34 Parmenter street, 31; Carmine Rosetti, 84 Prince street, 10; Saverio Romano, 247 Hanover street, 17; Ralph Santososso, 304 Hanover street, 43; Alfred P. Sigliano, 144 North street, 19; James H. Stone, 23 Sheafe street, 24; Angelo A. Ventura, 3 Foster street, 15. That is all I find of ten or over in Ward 6.

Q. Tell me the total number of supplementary registration in 1902?—A. The total number of assessments, you mean?

Q. Yes; the total number of supplementary assessments. Is it added up there?—A. No; I haven't it here, but I think I can give it to you from the 1902 books.

Q. I would like to finish up each ward as we go along.—A. No; it is not here. I thought it was.

Q. After you leave the witness stand you can do that for us, or perhaps you can send them over later.—A. I can tell at the office from the records.

Q. You can certify it in writing from the office and we will use that statement instead of testimony. Now turn to Ward 7, those who assisted in the supplementary assessment there.—A. James W. Brown, 6 Nonett street, 26; William E. Drake, 175 South street, 10; Patrick J. Clancy, 686 Washington street, 12; Daniel J. Donnelly, 161 Tyler street, 21; Thomas E. Duggan, 56 Hudson street, 19; John J. Diggins, 42 Tyler street, 12; John L. Donovan, 14 Nonett street, 32; John M. Fitzgerald, 258 Harrison avenue, 20; Henry F. Fitzgerald, 258 Harrison avenue, 13; Henry F. Grill, 57 Carver street, 72; George J. Gillis, 137 Hudson street, 12; John H. Irwin, 164 Kneeland street, 13; Thomas Kiley, 42 Tyler street, 91; William J. Mulhall, 174 Harrison avenue, 17; Jeremiah J. Mahoney, jr., 204 Harrison avenue, 17; Daniel J. Shea, 100 Kneeland street, 12; Thomas G. White, 204 Harrison avenue, 51. That is all in Ward 7 of 10 or over.

Q. You have gone through Ward 8, I think. Go to Ward 9.—A. Jerome J. Bowen, 3 Malden street, 20; Patrick Bowen, 3 Malden street, 17; John L. Curry, 42 Dwight street, 29; Joseph P. Curry, 42 Dwight street, 21; Daniel L. Connolly, 33 Malden street, 10; John J. Gartland, 101 Union Park, 16; Frank J. Gethrow, 1463 Washington street, 18; Simon Harris, 108 Union Park, 29; Adolph Handler, 469 Albany street, 27; Alphonse L. Llewellyn, 66 Middlesex street, 12; Aaron E. Myers, 1303 Washington street, 35; Charles H. Reinhart, 78 Middlesex street, 37; Isaac Saachs, 30 Seneca street, 35; Michael F. Sullivan, 11 Oswego street, 20; Michael J. Tobin, 6 Middlesex street, 11; Joseph P. B. Wilmarth, 19 Norwich street, 11. That is all of Ward 9.

Q. Now, precincts 6 and 7 of Ward 12.—A. James M. Burke, 105 West Canton street, 12; David D. Leahy, 25 East Springfield street, 20. That is all in Ward 12.

Redirect examination by Mr. MALLEY:

Q. You did not give all who had assisted over 10 men in Ward 8 the other day, did you?—A. I don't remember whether I did or not; I gave some names here.

Q. Have you the list of names in Ward 8?—A. I testified to a good many of them, but I don't remember which ones.

Q. You can't remember how just what you testified to. Will you read those over?—A. William J. Deyer, 399 Charles street, 13; Michael J. Fallon, 39 North Anderson street, 11; David Mancovitz, 83 Brighton street, 21; James H. Mundy, 5 Poplar place, 11; Jeremiah H. Moore, 6 Bridge court, 48; Harry Novograbelsky, 81 Brighton street, 38; Jacob Rosenberg, 81 Brighton street, 15; Max Stone, 85 Lowell street, 36; Frank M. Siegel, 77 Poplar street, 23; Harry Singer, 133 Brighton street, 15; Hyman Weinberg, 98 Brighton street, 19.

Mr. MALLEY. I offer the record of votes cast for Congressman at the State election of 1902 in the Ninth Congressional district, a certified copy of the record, excluding Winthrop, which was certified to by the election board, and also the votes cast at the State election for governor, and certified copy of the votes cast in Ward 8 in 1901, certified to by the board of election commissioners, and also a certified record of the votes cast in Ward 8 for clerk of the superior criminal court, 1901. (Ex. 154.)

GEORGE W. CARR, sworn.

By Mr. MALLEY:

Q. What is your full name?—A. George W. Carr.

Q. Where do you live?—A. 188 West Canton street.

Q. You are an assessor of the city of Boston?—A. I am first assistant assessor.

Q. How long have you been first assistant assessor?—A. I think for nine years.

Q. Have you had same district during those nine years?—A. Yes, sir.

Q. What has been the district you had as assessor?—A. Ward 8, the first part.

Q. One part of Ward 8?—A. One part of Ward 8, the first part.

Q. What part does that include—what are the boundaries?—A. That includes the territory from over Charles street to Washington street, north through to Cambridge street, bounded on the east by Travers street.

Q. That includes 1 and 3 Lowell street—all of Lowell street?—A. Yes, sir; all of Lowell and Nashua streets and Billerica street.

Q. Causeway street?—A. No, sir; I think there is one side of Causeway street in it.

Q. Does it include 19 Causeway street?—A. Yes, sir.

Q. And Pitts street?—A. Yes, sir.

Q. How long have you been an assessor in that district?—A. Four years.

Q. The last four years, consecutively?—A. Yes, sir.

Q. Who are your associates?—A. Mr. O'Malley was my clerk.

Q. What is his first name?—A. I forget.

Q. Mr. O'Malley was your clerk, and who else?—A. Mr. Michael Barry was my second assistant.

Q. Do you know where Mr. O'Malley lives?—A. No, sir; I think it is in the Highlands somewhere.

Q. He lives out in Roxbury, in Ward 17?—A. I don't know what ward.

Q. Is it Walter J. O'Malley or Charles J. O'Malley?—A. I don't know.

Q. At any rate he lived in Roxbury. How long was he associated with you in that district as clerk?—A. The last two years.

Q. Then he did not live within 3 or 4 miles of Ward 8?—A. I should say not; I don't know where he did live.

Q. You don't know that he was ever in business in Ward 8?—A. No, sir.

Q. Where did Michael Barry live?—A. On South Margin street.

Q. That is in Ward 8?—A. Yes, sir.

Q. How long was Mr. Barry associated with you as second assistant assessor?—A. Two years.

Q. Were you appointed as representatives of the Republicans and Mr. Barry of the Democrats?—A. Yes, sir; I suppose so.

Q. You don't know the politics of Mr. O'Malley, do you?—A. No, sir.

Q. What was your method of assessment?—A. Well, I called at the various houses on my route, and I found out, if it was possible, the proprietor of the place, and told him we were the assessors of Boston and wanted the names of those whose homes were there on the 1st day of May. Of course I impressed it very forcibly on their minds, or tried to, that we wanted none except those who lived there on the 1st day of May.

Q. You impressed that on the proprietors?—A. I tried to.

Q. And Mr. Barry did the same, I presume?—A. I was first assessor and spokesman, and he looked on and witnessed me doing my duty.

Q. Mr. Barry was an official assessor, was he not?—A. He seemed to be a very intelligent fellow.

Q. He knew more about the district than either you or Mr. O'Malley?—A. Of course he knew more men there. I did not know anyone; he knew a great many.

Q. A large proportion of those you saw?—A. I presume he did.

Q. Did you ever say to anyone that you had an excellent assistant in Ward 8; that he went ahead of you and prepared the list for you, and all you had to do was compare the list of assessments?—A. I don't remember.

Q. As a matter of fact he did go ahead to prepare the lists of names, did he not, Mr. Carr?—A. No, sir.

Q. In no case did he collect the list of names for you?—A. I don't remember a single case.

Q. Then, what were his duties?—A. His duties were simply to watch me.

Q. And your duties, to watch him?—A. My duty was to get the names and assess the persons.

Q. As a representative of the Republican party, you had to watch the Democrat?—A. As an assessor I did my duty.

Q. Do you say that, while Mr. Barry was not to be watched by you, his duty was to watch you?—A. Well, I don't know as I can testify that. I was appointed a first assistant assessor, and he was appointed as second. It was my duty to ask the questions. Of course, in the matter of assessing property, he had a right, if he saw fit, to disagree with me on the value put upon a property.

Q. Did you on May 1, 1902, personally assess 1 and 3 Lowell street?—A. No, sir; not on May 1.

Q. How long after May 1 did you do it?—A. I should say it must have been three or four weeks.

Q. What did you do there the last time in May, 1902—if it was in May when you went there?—A. We called, all three of us, and went into the front room, called for Mr. Kane, and told him my business.

Q. Had you known Mr. Kane before?—A. I had met him from year to year; that is all. I had no acquaintance with anyone there.

Q. Mr. Barry was acquainted with him, wasn't he?—A. I don't know, sir.

Q. Describe what you did.—A. He brought forth a list, and I asked him if that list was correct. I asked him if he was sure that all these men were there on the 1st day of May.

Q. This was three or four weeks afterwards that you asked that?—A. Yes, sir.

Q. And the list was in his handwriting, was it?—A. I don't know in whose handwriting it was.

Q. Did you preserve these lists that he passed you?—A. I did not.

Q. That is, he passed you the list, did he?—A. I asked him the question after he passed it to me, if he was sure that all these men were there on the 1st day of May, and I asked the clerk to put it on the book.

Q. He then and there put it on the book?—A. Yes, sir.

Q. What became of the list?—A. I don't know.

Q. Was it given back to Kane?—A. I don't know.

Q. That is, under your system of assessing, you went to a man named Kane, the proprietor of 1 and 3 Lowell street, he gave you a list of names, and you said, "Are you sure they lived here May 1?" and he said, "Yes." How many men did you assess there?—A. It was 82, I think; I counted up afterwards.

Q. And upon your general assessment then for 1902, the only one who gave evidence to you or any one of your body of assessors, your associates, that 82 men had slept there May 1, was Edward Kane, the proprietor, and he told you that four weeks after May 1?—A. No, sir; I won't be sure about four weeks.

Q. Well, sometime after?—A. Yes.

Q. Your best recollection is three or four weeks?—A. I won't say positively it was 82, because there may have been one or two supplementary assessments.

Q. Well, substantially that?—A. Yes, sir.

Q. Were you more than ordinarily impressed by finding such a large number?—A. No, sir; not after calling at 19 Causeway street and having 30 names given me on one floor.

Q. That is, you were impressed until you called at another place and found more than 30 names given you on one floor?—A. Well, I naturally would be until I became acquainted with the way they stow away people in the cheap lodging houses.

Q. You don't now recollect any other place, even in Ward 8, where they stow away 38 people?—A. It was two straight houses connected.

Q. When you found they had assessed 83 polls from that house did you inquire whether any women stopped in the house or not?—A. No, sir.

Q. Did you inquire what the number of rooms was in the house or houses?—A. I asked where he put them and he said he stowed them away all very snugly, and I understood him to say he had twenty rooms or more.

Q. Now, when you came to 19 Causeway street, whom did you see there?—A. I saw a man by the name of McKinley, I think. That is a 15-cent lodging house.

Q. What kind of a lodging house is 1 and 3 Lowell street—is that a 15-cent house?—A. I think they have no 15 cent but 25 cent quarters.

Q. That is per night?—A. Per night; yes, sir.

Q. When you got to 19 Causeway street, one McKinley gave you a list of names, did he?—A. Yes, sir.

Q. By the way, at 1 and 3 Lowell street, when you called for Mr. Kane, the proprietor, did he produce the list at once?—A. I don't think he did.

Q. Well, he did not make up the list then and there?—A. No, sir.

Q. He had the list prepared, did he?—A. Yes, sir.

Q. Was it on one long strip of paper, or on several sheets?—A. No; I think on separate sheets.

Q. You don't mean a separate sheet for each name?—A. No, sir.

Q. Two or three sheets, enough to write the names in ordinary handwriting on?—A. Yes.

Q. You don't know whether it was his handwriting or not?—A. No, sir.

Q. Do you remember where he produced these papers from; any portion of the room or his pocket?—A. No, sir; I don't.

Q. Did he go out of the room?—A. I don't remember.

Q. Now, coming back to 19 Causeway street; you say Mr. McKinley met you and you asked how many men slept there May 1, 1902?—A. I asked who he had there, and then he produced some book and read them off slowly, seemed to pick them out

from the book, and finally I cast a glance into the room and saw all the beds, this large room—I did not measure it, but it was perhaps 20 by 40. I think I counted forty beds, two-story cots laid out in aisles, iron framework.

Q. By two-story cots you mean what?—A. I mean a cot above and below; there was only two, like two berths in a steamer, only letting air all around.

Q. This was a portable contrivance that could be pushed around?—A. I don't know.

Q. He gave you how many names there?—A. I don't know the exact number; I know it was more than forty.

Q. Before you took those names down did you ask him if he was sure they stopped there May 1st?—A. I did, sir.

Q. Did he show you the book himself?—A. He looked it over.

Q. What kind of looking book was it?—A. I don't remember; my impression is that it was long and narrow, but I am not certain; it may have been short and wide.

Q. Like a grocery book? You didn't look at it at all?—A. No, sir.

Q. And as he read along he seemed to be picking them out?—A. Yes, sir; he seemed to be an honest fellow.

Q. He did not read along directly in order the list of names?—A. No, sir.

Q. You were asking who were there May 1, 1902?—A. Yes, sir.

Q. If they stayed there regularly they would write their names right along, one after the other?—A. I noticed that he seemed to be picking them over and picking them out. He gave me some names that he said were there on the 1st of May. I don't remember exactly what way he found them on the book.

Q. Now coming back to 1 and 3 Lowell street; Kane gave you one long list of names set down on two or three separate sheets?—A. I don't know how many there were.

Q. You went into only one house to get the names of those living at 1 and 3 Lowell street?—A. I did.

Q. Who assigned the names to one number or another number?—A. Mr. Kane himself.

Q. That is, they were all written off?—A. John Smith, 1 Lowell street, and John Smith, 3 Lowell street; yes, sir.

Q. In 26 Pitts street, did you do the assessing there?—A. Yes, sir.

Q. Who gave you the names of that house?—A. Mrs. Shanahan.

Q. Was the list already made out there?—A. I don't think it was. Of course, in assessing thousands of houses I can't remember each circumstance.

Q. Did you assess the polls in the Falmouth House, 68 Causeway street?—A. Yes, sir.

Q. Did you assess anybody personally there? By that I mean, call upon anybody and assess him right there?—A. No, sir; the proprietor we assessed for the value of his furniture and fixtures.

Q. I am talking just about the poll assessment.—A. Well, about the poll assessment; he gave us the names.

Q. What is his name?—A. I don't know the name.

Q. Was it Doris?—A. That is the proprietor, I think.

Q. Was it the proprietor that gave you the names?—A. My impression is that it was the clerk.

Q. You don't remember his name?—A. No, sir.

Q. He appeared to be the clerk there?—A. Yes, sir.

Q. How many names did you get from there?—A. I don't remember; I didn't make a minute of it.

Q. Do you know the number? That is the list there [handing over paper]. I will ask you to count them so that we may get it on the records. The Falmouth House is all one structure and covers 68 to 71, doesn't it?—A. I make the list of names 38.

Q. Did you count those on the other side?—A. No; now I make it 44.

Q. The book from which you refresh your recollection now is the "List of persons reported for assessment of a poll tax as of May 1, 1902, issued by the board of assessors of the city of Boston," and this book is for Ward 8, precinct 1, is it not?—A. Yes, sir; that book I am not so familiar with, because I have a street book.

Q. You think you make it 44?—A. Yes.

Q. Then was this list already made by this clerk when you called for it?—A. Yes, my impression is, but I am not positive about it, that we wound up about there, and called in and told him that we should commence there the first thing in the morning and we hoped he would be ready for us.

Q. That is, on one of your daily routes you wound up there toward evening, about the Falmouth House?—A. Yes; we didn't have time to take it then.

Q. You went in to the clerk and said: "We are coming in in the morning and want to get the names of all the men that stopped at your house May 1, 1902?"—A. I am very positive he gave me no names but those there.

Q. And then you came round in the morning and got a list of names from him?—A. Yes, sir.

Q. Can you recollect now who that man was?—A. No, sir.

Q. You never knew him before?—A. Never knew him before.

Q. Was it W. D. Doris, the proprietor?—A. I don't think so; I think it was a clerk.

Q. Had you any talk with Mr. Doris, the proprietor, that night when you called for the names or the next morning?—A. No, sir; I don't think I saw him at all.

Q. But as the result of what you saw there, 44 names were assessed from the Falmouth House?—A. If that is the number on the book.

Q. And that was on your general tour of duty?—A. Yes, sir.

Q. Other than what you have just told us, you have no evidence as to whether or not these 44 men lived there May 1, 1902?—A. No, sir. I had no way of getting any of them.

Q. You did not look at the hotel register, did you?—A. No, sir; I did not.

Q. You did not ask to look at it?—A. No, sir.

Q. About what time was this that you called—not time of day but the time of year—at the Falmouth House?—A. Well, that must have a few days after I was at 1 and 3 Lowell street.

Q. That is, towards the last of May or 1st of June?—A. Round that time.

Q. That is about the time you were closing up; you generally get through the street assessment?—A. We finish from the 10th to the 15th.

Q. It was some time in June?—A. Yes, sir.

Q. You told him you were an assessor and wanted the list of names of the men who stopped there May 1, 1902?—A. I said who lived there.

Q. Anything else than that?—A. No, sir; I impressed on his mind, as I did on all of them, to be sure he was right.

Q. And that you would call the next morning for the list?—A. Yes.

Q. Are you quite sure that was all you asked of him?—A. Yes.

Q. Well, as you recollect it, that is all you asked of anybody?—A. I don't remember of asking anything else. I ask what I am required to ask by law.

Q. Were those all the usual questions you asked?—A. Those were the usual questions, sir.

Q. You are quite sure of that, the substance of what you said?—A. Yes.

Q. Where did you get the information that McLaughlin, who stopped at the Falmouth House according to your assessment, lived previously at 154 Leverett street the year before?—A. It was on my list. I asked the question where he was the year before.

Q. Did you leave a set of assessment blanks there?—A. I don't remember whether I did or not.

Q. Are you accustomed to leave them there?—A. Where there is a large number I leave them.

Q. You did not leave a set of assessment blanks at 1 and 3 Lowell street or 19 Causeway street?—A. No, sir.

Q. You remember that the year before these were lodging houses?—A. Yes, sir.

Q. I presume you could see from the record that a number of men had been assessed there the year before?—A. Yes.

Q. And that naturally would suggest leaving with them some assessment blanks?—A. I always got the information made out from him.

Q. You always got the information from some people, and from that you gave the information to the board of assessors of who the people were that were there?—A. Yes, sir; we always asked the names of everyone in the house, and generally the name, age, and occupation.

Q. I pressed you hard and you told me all you had said to him, and only after I showed you what there is on this list and suggested that the information is there, did you say that you must have asked it.—A. Well, it is so familiar with me that I wonder you did ask it.

Q. The reason that you think you asked that information is because the information is here?—A. No, sir; I asked them all.

Q. Didn't I ask you what the usual custom was, and didn't you answer and tell me all the usual customs in Ward 8?—A. Well, I have answered the usual customs.

Q. Tell me whether on the list submitted to you at 1 and 3 Lowell street the information was as to the previous place where the men were assessed?—A. It was on his list.

Q. But it was not on the regular assessment blank of the city of Boston?—A. I don't know whether it was or not.

Q. What is your impression?—A. My impression is that it was not on the regular assessment blank.

Q. How many names will your usual assessment blank contain?—A. I should think 8 or 10.

Q. Now, when I asked you to describe just the pieces of paper that Kane gave to you, how the list was made up, whether it was on one long sheet of paper, and how it was made up, where he got the paper, and where he got the list, you said you didn't know, didn't you?—A. I don't remember.

Q. Well, did you know at that time about the assessment blank, when I asked you five or ten minutes ago, did you know that you had left assessment blanks with Kane?—A. No, sir.

Q. Then do you know now?—A. No, sir.

Q. Then so far as you know, you did not leave any assessment blanks with Edward Kane?—A. So far as I know, I didn't.

Q. So far as the names of the men were on the paper that Kane gave you, he wrote them out himself?—A. Yes, sir.

Q. You did not ask him to give you that information, did you, when you asked him for a list?—A. I told him I wanted a list of the people he had there on the 1st of May, but of course I told him the others.

Q. Why do you say that you told him the others?—A. Because I told the others.

Q. You remember, now, if you think it over, that that list of names was made by somebody other than Edward Kane, don't you?—A. I don't know anything about it.

Q. You don't know anything about it?—A. I don't know who it was made out by.

Q. Don't you know that it was made out in the handwriting of one of your assistants?—A. No, sir.

Q. You don't remember whether it was or was not?—A. I am quite positive it is not.

Q. Why do you say that when in answer to my previous question you said you didn't remember?—A. Because I should have noticed it if it was in his writing.

Q. You are not positive whether you left a set of blanks there or not?—A. I don't think I did.

Q. You can't help recognizing what must be to you the familiar form of the assessors' blank that was taken by you from Edward Kane?—A. They were on assessors' blanks, or something that purported to be, I am quite sure.

Q. Were they ruled paper on the assessors' list?—A. Yes, sir.

Q. Is that the form Mr. Kane gave you?—A. Yes, sir.

Q. Did he give you a paper in the form of an assessor's blank with all instructions to be carried out?—A. I did not look to see.

Q. What was there about it that impressed you that it was an assessor's blank?—A. I don't know anything particularly, but it is my impression that they were on assessors' blanks or something that purported to be such.

Q. How is it now that after ten minutes discussing it you say you think it was on assessors' blanks?—A. You are trying to mix me up.

Q. Pardon me. I am simply trying to get your best recollection.—A. In going into a thousand places I can't recollect each individual place, the actual paper the man gave me, or the actual means I used.

Q. But this was rather a special occasion in the tour of street duty, the assessing of 83 men from 1 and 3 Lowell street?—A. We always get a great number from there.

Q. It duly impressed you, the number of polls that came from there?—A. Not especially.

Q. Didn't you tell us just now that Kane told you he stowed them away?—A. Yes.

Q. And yet it didn't impress you when the keeper of a lodging house tells you that he stows them away?—A. Yes, sir.

Q. Then you were impressed with your experience at 1 and 3 Lowell street?—A. Yes, sir.

Q. And yet you can not recollect whether or not this list of names was made out on regular assessment blanks and whether or not the previous residence was put on or not, can you?—A. Of course it was put on. The names that were put on the books as I read them to the clerk gave the occupation and where the man lived the year before, if we had it; if not, that was put down unknown.

Q. You were somewhat impressed with the fact that these names were given you in the regular form with all the particulars with the names for the books?—A. I am always gratified to get what I suppose is good information.

Q. And you felt that it was good when you got it from a man who appeared to be a clerk in the house?—A. He was a clerk.

Q. Who told you he was the clerk?—A. Himself.

Q. You did not know him?—A. I don't remember whether I saw him the year before or not.

Q. You never saw Proprietor Dorris before?—A. No, sir; I went to the office and asked for the clerk.

Q. That gratified you because that work was all done for you by a man all unknown to you?—A. He was not unknown; he was the clerk.

Q. Is he there now?—A. I don't know; I never saw him after that.

Q. All you know about that man is that you saw him one night?—A. That is all I know of him and all I wanted to know about him.

Cross-examination by Mr. MORAN:

Q. Is it customary for the board of assessors to give instructions to their assessors in a body before they send them out?—A. Yes.

Q. And those instructions are given from year to year by the chairman of the board?—A. Yes, sir.

Q. That is, all the assessors are assembled and the chairman describes to them their duties?—A. Yes, sir.

Q. And you have been acting as assistant assessor how many years?—A. Nine years.

Q. So that each one of those years you have heard those instructions given you?—A. Yes, sir.

Q. You are about what age, Mr. Carr?—A. Sixty-five.

Q. I suppose that you were familiar, are you not, with section 33 of chapter 12 of the Revised Laws of Massachusetts, Volume I, which reads as follows:

"SECTION 33. Keepers of taverns and boarding houses and masters and mistresses of dwelling houses shall, upon application of an assessor of the city or town in which their house is situated, give the names of all persons residing therein who are liable to be assessed for taxes. Every such keeper, master, or mistress refusing to give such information, or knowingly giving false information, shall be punished by a fine of twenty dollars for each offence."

A. Yes, sir; I know that.

Q. So that you knew if anybody gave you false information he or she was liable to criminal prosecution, and you relied on the honesty of the masters and mistresses of the houses?—A. I did, sir.

Q. The Falmouth House is a large hotel, consisting of 100 to 125 rooms?—A. A large number of rooms; I don't know the exact number.

Q. And it is a hotel that has been in existence for a long period of time?—A. For four years at least.

Q. During the time you have been acting as assessor it has been there?—A. Yes, sir.

Q. You found this man whom you call the clerk in the clerk's office of the hotel?—A. Yes, sir.

Q. In such a position as you would expect to find any hotel clerk?—A. Yes, sir.

Q. There were other persons in the office when you went there?—A. I don't remember.

Q. When you went in you had the assistant and the clerk with you?—A. Yes, sir.

Q. So that all the conversation which you had in relation to assessing with the persons from whom you got the information was had in the presence of your assistant and the clerk?—A. Yes, sir.

Q. But the talking was done by you?—A. Yes, sir.

Q. There are furnished you what are called assessors' blanks?—A. Yes, sir.

Q. They are furnished you by your superiors at the office?—A. Yes, sir.

Q. Those blanks are never given out to anybody except when the person found in the house is unable to give you the names?—A. That has been the rule.

Q. That is the rule—one of the instructions of your superiors?—A. Yes, sir.

Q. But in case you find a woman or child—whoever chances to be in the house and is unable to give you the names—then you might leave a blank, instructing them to have the proprietor fill it out and you will call in later in the day, when you expect to find the proprietor or mistress in?—A. Yes, sir.

Q. At 1 and 3 Lowell street you saw the apartments occupied by lodgers?—A. No, sir; I did not.

Q. Did you see any portion of them?—A. I saw the room I was in.

Q. You were shown one of the rooms?—A. Yes.

Q. One of the large rooms?—A. Yes.

Q. And that contained what you have described in your answer to Mr. Malley's question—a double tier of beds?—A. No, sir; that did not. You are mistaken.

Q. Did you see any in 1 and 3 Lowell street?—A. No, sir; I did not go into the bedrooms.

Q. How many weeks do you work each year at the assessing?—A. We are allowed forty days. Sometimes we get through a short time before and sometimes it laps out.

Q. Usually you take up substantially all the forty days?—A. Yes.

Q. That work you have done in the past four years, and sometimes you get through before the forty days expire?—A. Perhaps; I most always do; perhaps a week, we will say.

Q. You would get through in perhaps thirty-three days?—A. The hours are dependent upon ourselves, and if we get tired we make a shorter day than when we work easily.

Q. You not only assess poll taxes, but real estate and personal property, so that you have a series of inquiries to make of all persons who live in the district?—A. Yes, sir.

Q. You did not live during any of the past four years in that district?—A. No, sir.

Q. You never lived in that district, did you?—A. No, sir.

Q. So that you had no political affiliations with anybody in the district?—A. No, sir.

Q. And you had no motive for committing or consenting to any illegal assessments?—A. No, sir.

Q. And if you had any reason to suspect that you were being imposed on by anyone you would have made an investigation?—A. Yes, sir.

Q. You were satisfied that Mr. Kane, of 1 and 3 Lowell street, was honest in his representations to you?—A. He seemed to me to be.

Q. And, so far as you know, no name furnished you has ever been stricken from the list?—A. So far as I know, it has not been.

Q. You knew there was a provision of our statutes by which a person or a number of persons not properly assessed could be stricken from the number in the ward?—A. Yes, sir.

Q. You did not personally examine the book which Mr. Kane had from which he picked out names?—A. No, sir; I did not.

Q. Did Kane have any book at 1 and 3 Lowell street?—A. I did not see any book.

Q. Did not see any book then?—A. No, sir.

Q. How many thousand persons do you assess in the course of your forty days?—A. Do you mean for polls alone?

Q. Yes.—A. I should say about 3,000.

Q. It would be an impossibility for you at this date to remember the circumstances attending each interview with each one of those persons?—A. Most certainly it would.

Q. You have it in your mind only in a general way?—A. Yes.

Q. You have with you, either in your own possession or the possession of the assistant or clerk, a copy of the preceding year's assessment?—A. It is on last year's book in the office; I don't have it.

Q. You don't have it?—A. No, sir.

Q. What do you have as a memorandum?—A. Nothing; it is all in black and white in the books.

Q. Well, is there not carried by one of the three of you the last year's book of polls?—A. I carry the last book and the clerk has the new book.

Q. Now then, before you direct the clerk to put down the names, do you look over the old book?—A. Yes, sir.

Q. To see that the information you are now getting corresponds with what it was last year?—A. Yes, sir.

Q. If you find that he is giving you the name of a man who was a resident in the same place last year, you are satisfied about that?—A. I put it down here.

Q. If you find that he was not registered from there last year, you get the place where he was assessed the preceding year?—A. Yes, sir.

Q. At any rate, you are bound to get from him information as to where the person lived the previous year?—A. I can't always do it; often people tell me they don't know.

Q. Then, of course, you make a memorandum of that?—A. I put it down unknown.

Q. And all of that appears later in the assessors' records in the city hall?—A. Yes, sir.

Q. At 19 Causeway street the proprietor had a book?—A. Yes, sir; he had.

Q. Did you make a personal inspection of that book?—A. No, sir; I did not.

Q. You saw that he had it?—A. I saw that he had it.

Q. Do you know whether that book was such a book as is kept from day to day as a hotel register, or whether it was only some book in which he, in his own way,

kept an account?—A. I should say it was one in which he, in his own way, kept the account, but I am not positive about that.

Q. That is the impression that you have now—that it was not one of the daily registers, such as you find in a hotel, but a book in which he kept an account in his own way?—A. Yes, sir.

Q. What particular method he had in keeping the account, you don't know?—A. No, sir.

Q. After you performed your work, did you make reports, turn in your papers at the city hall to the chief assessors?—A. We turn in our books.

Q. Are those turned in from day to day, or at the end of your work?—A. At the end of our work.

Q. Are those books, after you turn them in, subject to inspection by the public, if any person cares to call for them?—A. No; the clerk writes a book for inspection. He has real estate in one book and personal in another. That is not necessarily the clerk with me, but they have clerical help in the clerk's room downstairs.

Q. Then these clerks at the office whose duty it is to take from the books turned in by you and others who are doing similar work to yours through the city—to take from those books the information contained in them and put it into two separate kinds of books, one as to real estate and one as to poll taxes?—A. I so understand it.

Q. Now those books are kept on file and subject to the inspection of the public?—A. The real estate and the personal property.

Q. At 19 Causeway street, did you see the room?—A. Yes.

Q. How large was the room, you saw there in which there was the double tiers of beds?—A. I can't say from my eye. It took up the whole floor with the exception for the office line, etc.

Q. You were satisfied that there was in that place beds for the number of persons whose names he gave you?—A. Perfectly satisfied.

Q. Do you know whether or not that was a place licensed as a lodging house by the board of health under our law?—A. No, sir; I did not know; I understood that it was.

Q. But you have no personal knowledge of it?—A. No, sir.

Q. Are the first assistant assessors appointed yearly?—A. They were until last year. Last year, by the new law of the legislature, they were appointed for three years.

Q. The reappointment depends to some extent upon the faithful manner in which they perform their work, does it not?—A. Well, I suppose it does.

Q. If it was found that a man was being imposed upon and assessing illegally, of course he would not expect to be retained?—A. He would expect to be dropped, and he ought to be.

Q. You had no interest in 1902, or in any other year, in the Congressional fight in the Ninth district?—A. Not a particle, with all due deference to the gentlemen.

Q. It was a matter of indifference to you who was the successful candidate?—Your clerk, Mr. O'Malley, is of course not the gentleman who is counsel for Mr. Conry here?—A. I don't think he was.

Redirect examination by Mr. MALLEY:

Q. You nor Mr. O'Malley have no interest in the Congressional election?—A. I don't think so.

Q. Mr. Barry, your associate, was the only one who would have any interest in it, in Ward 8, because of his residence there, because he was a Ward 8 Democrat?—A. Yes, sir.

Q. Were you familiar with the law, section 33, of chapter 12 of the Revised Laws as to what keepers of taverns would have to do?—A. In what respect?

Q. Did you ever read anywhere before, or ever hear anywhere before yourself, as to the duties of keepers of taverns and boarding houses, the masters and mistresses of dwelling houses, to give you the names?—A. Yes, sir; that was given me when I first commenced to assess.

Q. Nine years ago?—A. Yes, sir.

Q. Was that the last time you heard of it?—A. No, sir.

Q. If that was so, why didn't you get the list of names from the keeper of the Fal-mouth House?—A. I got it from his clerk.

Q. You did not get it from the keeper, did you?—A. No, sir.

Q. As a matter of fact, you did not get it from the clerk who gave it to you—that is, you didn't know the clerk, so that if you wished to start a prosecution against anybody for giving false names, you would not know where you would get the man who had done it, would you?—A. No, sir.

Q. You could not describe him?—A. No, sir.

Q. He was not the keeper, was he?—A. No, sir; he was the clerk, as I told you.

Q. Now, if a week or two or three weeks afterwards, you discovered that 44 names had been given you, whereas you discovered they did not live there at all, you would not be able to describe the man unless he happened to be the clerk and kept his job for the next two or three weeks?—A. I supposed it was the clerk.

Q. You did not have the name of the man? You could not hold Dorris responsible for it, because you had never seen him?—A. I have seen Mr. Doris.

Q. You never got any list of names from him, did you?—A. I don't remember whether I had in previous years or not.

Q. Did you ever know of the prosecution of any innkeepers or boarding-house or tavern keepers for not giving up names to you as representing the board of assessors?—A. I don't recall any now.

Q. Or for ever giving erroneous names?—A. No; I don't recall any.

By Mr. MORAN:

Q. It is a fact, is it not, that this section of the law is printed in that book which you carry around, and it is also printed on the blanks?—A. It is printed on the blanks; yes, sir.

Q. It frequently happens, does it not, that you have to call in an officer to compel them to give you information?—A. No, sir; it does not happen frequently, but now and then. When we find a person who refuses to give us that information we go, as the saying is, and get a "cop."

Q. It is not any of your duty as first assistant assessor to institute prosecutions?—A. No, sir.

Q. There is a district attorney who is a Democrat?—A. I suppose so.

Q. And there is a board of police, and that consists of two Republicans and one Democrat, all appointed by the governor?—A. I don't know the politics.

Q. Don't you know the governor appoints them?—A. Yes; but I don't know the politics of the members.

Q. If there is any defect in the enforcement of the law, it does not lie with you, but those persons whose duty it is to prosecute? It is not yours?—A. No, sir.

By Mr. MALLEY:

Q. You did not have to bring in the policemen to Edward Kane's or 19 Causeway street, nor to the Falmouth House, to get those names?—A. No, sir.

Q. Or to 26 Pitts street?—A. No, sir.

Q. As a matter of fact, did you know of police going to Kane's house for another purpose?—A. No, sir.

Q. Did you know of police going there because he illegally kept a lodging house and did not keep the names of the people?—A. No, sir.

Q. How many times did you have to bring in a policeman off his beat to obtain the names in Ward 8?—A. I did not have to—no, sir.

Mr. HARRINGTON. I would like to ask the court for the list of witnesses summoned to be called to-day, so that they may be made part of the records. [Paper passed over, Ex. 15]. I now offer the list of names of persons summoned to testify to-day, served on John A. Keliher (Ex. 158).

I also offer the following names of people called as witnesses: Moses I. F. Rubin (Ex. 159); Harry Brown, 12 Blossom street (Ex. 160); Thomas F. Finney, 45 Green street (Ex. 161); Edward A. Maloney, 66 Webster street (Ex. 162).

The purpose for which Mr. Maloney is called is that he is the manager of circulation of the Boston Post, and we desire to show by him the circulation of the Boston Post on November 3, 1902, and we also wanted it made part of the record that the Post is the leading Democratic paper of New England.

Mr. MORAN. I do not agree that it is the leading one, but one of the two leading papers, and the more popular, perhaps.

Mr. HARRINGTON. We will put it this way: That the Post is one of the largest circulating papers in Boston in the Ninth Massachusetts district.

Mr. MALLEY. And that in that paper the telegram was published.

Mr. HARRINGTON. I will call the following names: Dominick Novemo, 2 Cotting place; Nathan L. Gooker, 1 Cotting street; — Eagan, 10 Norman street; — Brown, 10 Norman street; Charles Kaplovitz, 10 Norman street; Angelo Tookey, Fred C. Locke, 47 Chambers street; John F. Buckley, 49 Chambers street; William L. Dolan, 49 Chambers street.

I offer the following subpoenas for the purpose of having the default of the witnesses therein named noted: Henry B. Mitchell, 10 Norman street (Ex. 163); Fred W. Edwards, 10 Norman street (Ex. 164); Peter Pollack, 17 Lyman street (Ex. 165); Jacob Brisky, 1 Eaton place (Ex. 166); Hyman Goldberg, 1 Eaton place (Ex. 167); John L. Weir, 3 South Margin street (Ex. 168); Eugene A. Sullivan, 36 South Margin street (Ex. 169); Joseph H. Simmons, 119 Staniford street (Ex. 170); Frederick

Foley, 134 Seneca street (Ex. 171); Daniel F. Gallagher, 134 Staniford street (Ex. 172); Thomas Burrton, 69 Staniford street (Ex. 173); Sigmund Fine, 11 Norman street (Ex. 174); Joseph Coleman, 110 Merrimac street (Ex. 175); Charles F. Quinn, 2 Lynde Street place (Ex. 176); Dennis F. Callanan, 14 Lynde street (Ex. 177); John J. Sheehan, 37 Lynde street (Ex. 178); William C. McCarthy, 42 Lynde street (Ex. 179); Bernard Teitelbaum, 44 Lynde street (Ex. 180); Samuel Blech, 44 Lynde street, (Ex. 181); William Gore, rear 34 Lynde street (Ex. 182); John M. Hartley, 19 Staniford street (Ex. 183); John Flanagan, 11 Staniford place (Ex. 184); Thomas J. Sears, 44 Staniford street (Ex. 185); Arthur W. Olson, 10 Green street (Ex. 186); Charles R. Gilbert, 69 Green street (Ex. 187); Sam Rusidsky, 68 Green street (Ex. 188); Joseph Tenanblott, 6 Hale street (Ex. 189); William L. Dahlin, 49 Chambers street (Ex. 190); John F. Brickley, 49 Chambers street (Ex. 191); Angelo Tucci, 2 Lyman place (Ex. 192); Charles Klapovech, 10 Norman street (Ex. 193); George A. Brown, 10 Norman street (Ex. 194); Eugene J. Eagan, 10 Norman street (Ex. 195); Nathan L. Drooker, 1 Gough Street place (Ex. 196); Domenico Marino, 2 Gough Street place (Ex. 197).

MAX LIPSHIPZ, sworn.

By Mr. HARRINGTON:

- Q. What is your name and age?—A. Max Lipshipz; age 37.
- Q. Where were you born?—A. Russia.
- Q. How long have you been in America?—A. About ten years.
- Q. When were you naturalized?—A. About four years ago.
- Q. Where?—A. Right here in the West End.
- Q. Who were your witnesses?—A. I don't remember them.
- Q. Where were you living the 1st of May, 1902?—A. At 78 Green street.
- Q. Where do you live now?—A. 69 Chambers street.
- Q. How long have you lived there?—A. Since August, 1902.
- Q. How long did you live at 78 Green street?—A. About three and one-half years.
- Q. What directions, if any, did you give for the forwarding of your mail from 78 Green street to your present place of abode?—A. I don't understand.
- Q. Did you give the postman or postmaster any direction as to the forwarding of your mail?—A. To 69 Chambers street.
- Q. When did you do that?—A. Just as soon as I moved.
- Q. And you moved last August?—A. Yes, sir.
- Q. Did you give any special directions as to registered mail to be forwarded to you?—A. No, sir.
- Q. Do you know of any mail directed to 78 Green street not being received by you, being returned to the sender?—A. I don't think so.
- Q. Have you received mail directed to your former residence on Green street?—A. As soon as I moved in I did.
- Q. Where did you live before you lived at 78 Green street?—A. I lived once in 9 Crescent place.
- Q. How long did you live there?—A. I lived there about two years, I think.
- Q. Where did you live before you lived at No. 9?—A. I lived before in No. 3 and No. 11.
- Q. How long were you living in Hale street?—A. I lived in Hale street four or five years.
- Q. Where did you live before that?—A. Once I lived on Revere street.
- Q. How long have you been on the voting list in the city of Boston?—A. I believe it is about four years or so.
- Q. Did you vote from Hale street?—A. I don't think so; I guess I did; I am not positive, just the same.
- Q. How long since you lived in Hale street?—A. It is not quite four years.
- Q. Where did you live before living on Revere street?—A. I just came here then.
- Q. You came direct from Russia to Boston?—A. Directly from Russia to Philadelphia; lived there a few months, and came to Boston and lived on Salem street.
- Q. How long?—A. Oh, about a year or so.
- Q. Was it a year or more?—A. It is about a year.
- Q. Then where did you go?—A. I moved to Brighton street.
- Q. How long did you live there?—A. About a year and a half; I don't remember.
- Q. From Brighton street where did you go?—A. To Revere street.
- Q. How long did you live on Revere street?—A. I lived there a year or two.
- Q. Was it nearer one year or two years?—A. Pretty near two years. From Revere street I moved to Hale street.
- Q. How long did you remain there?—A. Something like three or four years.
- Q. Was it four or three?—A. I guess nearer four.

- Q. From there where did you go?—A. To 78 Green street.
 Q. How long did you live there?—A. Three and a half years.
 Q. From Green street you went to where?—A. To 69 Chambers street.
 Q. How long did you live there?—A. Since last August.
 Q. You have been in America ten years?—A. Yes, sir.
 No cross-examination.

FRED C. LOCKE, sworn.

By Mr. HARRINGTON:

- Q. What is your full name?—A. Fred C. Locke.
 Q. Your age?—A. Forty-two.
 Q. Where were you born?—A. Haverhill, Mass.
 Q. What is your occupation?—A. In the telephone business, for the New England Telephone and Telegraph Company.
 Q. Where did you live on May 1, 1902?—A. At 47 Chambers street.
 Q. Where do you live now?—A. At 17 Casenove street.
 Q. When did you leave Chambers street?—A. On the 27th of last August.
 Q. How long have you been in Boston?—A. I have been working for the telephone company about twenty-two years.
 Q. What directions did you give to the post-office authorities as to forwarding your mail?—A. Not any. I told Dr. Parker where I was going to, and to forward the letters.
 Q. Did you receive mail since moving from 47 Chambers street?—A. Yes, sir.
 Q. Do you know of any mail that was sent to 47 Chambers street?—A. There has been some received by me that was marked there. I suppose they sent it through.
 Q. Do you know why any mail sent to 47 Chambers street should not be received there?—A. I do not.
 Q. Can you account for a registered letter sent to you at 47 Chambers street being returned?—A. I don't remember getting a registered letter.
 No cross-examination.

JOHN J. HAYES, sworn.

By Mr. HARRINGTON:

- Q. What is your full name, age, residence, and occupation?—A. John J. Hayes, 29 Athens place, Cambridge.
 Q. Where were you born?—A. In Cambridge.
 Q. How long have you lived there?—A. Since I was born.
 Q. How long have you lived in Athens place?—A. About sixteen years.
 Q. Do you know Patrick Anglin?—A. Yes, sir; I do.
 Q. Do you know where he was born?—A. I think he was born in Cambridge.
 Q. How long have you known him?—A. I have known him as long as I can recollect.
 Q. How long has Patrick Anglin lived in Cambridge?—A. I don't know.
 Q. When was the last time you knew him to have been living in Cambridge?—A. I could not tell you.
 Q. Does he live in Cambridge now?—A. Not to my knowledge.
 Q. Do you see him in Cambridge?—A. No; I have not seen him there. I probably saw him when he was going to his people.
 Q. When have you last seen him at Cambridge?—A. I should say about five months ago.
 Q. How often did you see him in Cambridge prior to five months ago?—A. I don't know.
 Q. That was about November, 1902, was it not?—A. It was about that time.
 Q. About election time?—A. Yes; about that time.
 Q. How frequently did you see him in Cambridge about that time, or prior to it?—A. I could not tell you that.
 Q. Did you see him every day?—A. No.
 Q. Every night?—A. No.
 Q. Every other day?—A. No.
 Q. Twice a week?—A. No.
 Q. Once a week?—A. No.
 Q. Well, once a month?—A. No; not that either.
 Q. Do you spend all your time in Cambridge?—A. No.
 Q. Did you meet Patrick Anglin at any time prior to November 4, 1902?—A. No, sir.
 Q. And subsequent to May 1, 1902?—A. No, sir.
 Q. Did you ever have any conversation with Patrick Anglin between May 1, 1902, and November 4, 1902?—A. Not that I remember.

Q. Did you ever make any statement to anybody that you had had a conversation with Patrick Anglin between May 1 and November 4, 1902?—A. I can't say that I did.

Q. Where were you last Friday night?—A. I think I was in Boston.

Q. Whom did you meet in Boston?—A. Well, I can't say.

Q. Do you remember meeting me Friday night in Boston?—A. Yes; it was Friday night.

Q. Do you remember any conversation that took place between you and me Friday night?—A. Yes; I do.

Q. Will you tell me the conversation?—A. Well, I don't know, only that the conversation was that I was to see you Saturday morning; that is all I know about it; that is all the conversation was.

Mr. HARRINGTON. That concludes all this list.

Adjourned.

EAST BOSTON DISTRICT COURT.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss.*

I hereby certify that this volume, containing about 34 pages, is a true and correct record of the testimony and proceedings in the contested election case of Joseph A. Conry against John A. Keliher, before me, on March 31, 1903, all signatures having been waived. The exhibits herein referred to accompany this volume and are marked as herein described.

JOSEPH H. BARNES, JR.,

Special Justice East Boston District Court.

COMMONWEALTH OF MASSACHUSETTS, *City of Boston.*

Votes cast for Congressman, State Election, 1902, Ninth Congressional district.

| | Joseph A. Conry, Dem. Nat. Nom. Pa- per. | John A. Keliher, Dem. Cit. Nom. Pa- per. | James J. Mc Vey, So- cialist. | Charles T. Witt, Re- publican. | Blanks. |
|------------------|--|--|-------------------------------------|--------------------------------------|---------|
| <i>Ward 1.</i> | | | | | |
| Precinct 1 | 103 | 22 | 19 | 139 | 12 |
| 2 | 90 | 17 | 15 | 216 | 10 |
| 3 | 157 | 19 | 17 | 277 | 13 |
| 4 | 130 | 21 | 17 | 247 | 9 |
| 5 | 214 | 44 | 20 | 195 | 7 |
| 6 | 288 | 64 | 43 | 74 | 18 |
| 7 | 252 | 59 | 34 | 154 | 27 |
| 8 | 215 | 131 | 46 | 123 | 13 |
| 9 | 94 | 29 | 17 | 104 | 12 |
| Total | 1,543 | 406 | 228 | 1,529 | 121 |
| <i>Ward 2.</i> | | | | | |
| Precinct 1 | 269 | 76 | 43 | 53 | 26 |
| 2 | 218 | 49 | 20 | 35 | 10 |
| 3 | 274 | 80 | 20 | 48 | 12 |
| 4 | 251 | 81 | 25 | 39 | 14 |
| 5 | 229 | 59 | 31 | 35 | 15 |
| 6 | 269 | 40 | 21 | 69 | 13 |
| 7 | 365 | 67 | 35 | 43 | 21 |
| 8 | 307 | 86 | 33 | 63 | 25 |
| Total | 2,182 | 538 | 231 | 385 | 136 |
| <i>Ward 3.</i> | | | | | |
| Precinct 1 | 124 | 73 | 15 | 154 | 10 |
| 2 | 222 | 150 | 24 | 70 | 17 |
| 3 | 203 | 143 | 14 | 84 | 11 |
| 4 | 302 | 192 | 22 | 19 | 14 |
| 5 | 301 | 172 | 27 | 31 | 14 |
| 6 | 198 | 158 | 10 | 18 | 10 |
| Total | 1,353 | 888 | 112 | 376 | 76 |
| <i>Ward 4.</i> | | | | | |
| Precinct 1 | 178 | 140 | 27 | 48 | 4 |
| 2 | 103 | 89 | 9 | 110 | 10 |
| 3 | 135 | 129 | 16 | 128 | 8 |
| 4 | 167 | 139 | 18 | 70 | 14 |
| 5 | 188 | 151 | 15 | 14 | 19 |
| 6 | 105 | 125 | 21 | 82 | 14 |
| Total | 876 | 773 | 106 | 452 | 69 |

a Elected.

Votes cast for Congressman, State Election, 1902, Ninth Congressional district—Cont'd.

| | Joseph A. Conry, Dem. Nat. Nom. Pa- per. | John A. Kelher, Dem. Cit. Nom. Pa- per. | James J. McVey, So- cialist. | Charles T. Witt, Re- publican. | Blanks. |
|-------------------|--|---|------------------------------------|--------------------------------------|---------|
| <i>Ward 5.</i> | | | | | |
| Precinct 1 | 103 | 83 | 14 | 135 | 8 |
| 2 | 217 | 206 | 18 | 68 | 10 |
| 3 | 225 | 168 | 17 | 16 | 25 |
| 4 | 74 | 63 | 10 | 67 | 5 |
| 5 | 199 | 104 | 18 | 18 | 15 |
| 6 | 145 | 117 | 19 | 49 | 12 |
| Total | 963 | 741 | 93 | 383 | 75 |
| <i>Ward 6.</i> | | | | | |
| Precinct 1 | 78 | 170 | 4 | 22 | 29 |
| 2 | 91 | 234 | 20 | 29 | 40 |
| 3 | 83 | 231 | 16 | 48 | 35 |
| 4 | 115 | 200 | 14 | 28 | 45 |
| 5 | 89 | 219 | 38 | 36 | 41 |
| 6 | 56 | 57 | 6 | 90 | 3 |
| 7 | 101 | 212 | 18 | 26 | 38 |
| 8 | 51 | 277 | 8 | 17 | 31 |
| Total | 667 | 1,633 | 124 | 296 | 262 |
| <i>Ward 7.</i> | | | | | |
| Precinct 1 | 52 | 81 | 14 | 63 | 4 |
| 2 | 91 | 123 | 18 | 36 | 13 |
| 3 | 136 | 177 | 34 | 57 | 11 |
| 4 | 63 | 117 | 12 | 65 | 9 |
| 5 | 156 | 290 | 23 | 14 | 17 |
| 6 | 129 | 173 | 18 | 21 | 10 |
| Total | 627 | 961 | 119 | 256 | 64 |
| <i>Ward 8.</i> | | | | | |
| Precinct 1 | 63 | 167 | 18 | 25 | 26 |
| 2 | 83 | 338 | 27 | 56 | 39 |
| 3 | 59 | 88 | 20 | 119 | 6 |
| 4 | 114 | 363 | 47 | 50 | 27 |
| 5 | 92 | 386 | 68 | 38 | 42 |
| 6 | 93 | 461 | 49 | 52 | 11 |
| Total | 504 | 2,103 | 259 | 370 | 181 |
| <i>Ward 9.</i> | | | | | |
| Precinct 1 | 107 | 267 | 54 | 49 | 21 |
| 2 | 111 | 333 | 38 | 45 | 20 |
| 3 | 90 | 274 | 30 | 9 | 17 |
| 4 | 161 | 279 | 31 | 54 | 15 |
| 5 | 75 | 173 | 38 | 116 | 12 |
| 6 | 71 | 96 | 23 | 110 | 35 |
| 7 | 130 | 264 | 22 | 18 | 23 |
| Total | 748 | 1,686 | 236 | 401 | 113 |
| <i>Ward 12.</i> | | | | | |
| Precinct 6 | 162 | 268 | 37 | 111 | 39 |
| 7 | 129 | 181 | 19 | 62 | 21 |
| Total | 291 | 452 | 56 | 173 | 60 |
| Grand total | 9,754 | 10,184 | 1,564 | 1,621 | 1,187 |

Registered voters, 33,758. Votes cast, 26,423.
Proportion of men registered who voted, 77.38 per cent.
The balance of this district comprises Winthrop.

A true copy.

Attest:

BOARD OF ELECTION COMMISSIONERS,
JOHN MARTIN, *Chairman.*

March 30, 1903.

OFFICE OF TOWN CLERK,
Winthrop, Mass., Mar. 28, 1903.

F. F. HARRINGTON, Esq.

DEAR SIR: Replying to yours 27th March will say, the vote for Congressman in the town of Winthrop on November 4, 1902, was as follows:

| | |
|--|-----|
| Joseph A. Conry, of Boston, had three hundred and forty-five votes..... | 345 |
| John A. Kelihér, of Boston, had one hundred and sixty-eight votes..... | 168 |
| James J. McVey, of Boston, had seventeen votes..... | 17 |
| Charles T. Witt, of Boston, had four hundred and eighty-seven votes..... | 487 |

A true copy of record.

Attest:

SENNER FLOYD,
Town Clerk.

TESTIMONY FOR CONTESTEE.

NOTICE TO TAKE DEPOSITIONS.

BOSTON, MASS., *June 12, 1903.*

MR. JOSEPH A. CONRY, or his Attorney:

You are hereby notified that I intend to take testimony of the witnesses whose names and addresses are given in the appended list, on Monday, June 15, 1903, for the purpose of using such testimony in the pending election contest, wherein I am the contestee and you are the contestant, relative to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 10 o'clock in the forenoon, before William H. Preble, esq., a special justice of the Charlestown district court, at the court-house on Pemberton Square in said Boston, and if the taking of said depositions is not concluded on said date a further taking of said depositions will be continued from day to day at the same hour and place until fully concluded.

Joseph A. Conry, 147 Webster street, East Boston, Mass.; Lorin S. Gray, 10 Auckland street, Boston, Mass.; Daniel P. Cameron, 54 West Newton street, Boston, Mass.; Jonathan J. Tomlinson, 18 Gibson street, Boston, Mass.; John C. E. Clark, 190 Adams street, Boston, Mass.; Mrs. William Cieffe, 60 Castle street, Boston, Mass.; Samuel Jacobson, 52 Poplar street, Boston, Mass.

JOHN A. KELIHER.

By his attorney, FRANCIS A. CAMPBELL.

A true copy.

Attest:

ROBERT E. MAGUIRE, *Deputy Sheriff.*

BOSTON, *June 12, 1903.*

SUFFOLK, ss:

I this day served the within notice upon Charles F. M. Malley, esq., attorney for the within named Joseph A. Conry, esq., by delivering to him in hand the original notice of which the within is an attested copy.

ROBERT E. MAGUIRE, *Deputy Sheriff.*

BOSTON, *June 12, 1903.*

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

The fact is hereby acknowledged of the receipt of the original of the notice or paper of which the within is a copy without waiving any rights by this acknowledgment other than admitting the service of the original of the notice or paper of which the within is a copy.

CHARLES F. M. MALLEY,

Attorney of record for Joseph A. Conry.

BOSTON, MASS., *June 10, 1903.*

WILLIAM H. PREBLE, Esq.,

Special Justice of the Charlestown District Court:

On behalf of John A. Keliher, contestee, in a contested Congressional election case brought by Joseph A. Conry, contestant, in the Ninth Massachusetts Congressional district, I hereby apply to you, under the Revised Statutes of the United States, section 110, as judge of a court of record of the Commonwealth of Massachusetts, for the issuance of subpoenas to compel the attendance of the following-named witnesses at the court-house, on Pemberton Square, Boston, within said district, to the following-named witnesses, whose names and addresses are herein submitted for examination on June 15, 1903, at 10 o'clock a. m.:

Joseph A. Conry, 147 Webster street, East Boston, Mass.; Lorin S. Gray, 10

Auckland street, Boston, Mass.; Daniel P. Cameron, 54 West Newton street, Boston, Mass.; Jonathan J. Tomlinson, 18 Gibson street, Boston, Mass.; John C. E. Clark, 190 Adams street, Boston, Mass.; Mrs. William Ciefre, 60 Castle street, Boston, Mass.; Samuel Jacobson, 52 Poplar street, Boston, Mass.

JOHN A. KELIHER.

By his attorney, FRANCIS A. CAMPBELL.

BOSTON, MASS., *June 16, 1901.*

MR. JOSEPH A. CONRY, or his Attorney.

DEAR SIR: You are hereby notified that I intend to take the testimony of the witnesses whose names and addresses are given in the appended list, on Thursday, June 18, 1901, for the purpose of using such testimony in the pending election contest wherein you are the contestant and I am contestee, relative to the office of Representative in the Fifty-eighth Congress of the United States from the Ninth Congressional district of Massachusetts, at the hour of 3 o'clock in the afternoon, before William H. Preble, esq., a special justice of the Charlestown district municipal court of the city of Boston, at the court-house on Pemberton square, in said Boston, within said district, and if the taking of said depositions is not concluded on said date, the further taking of such testimony will be continued from day to day at the same hour and place until fully concluded.

John H. Mahoney, 116 Hutchins street, Boston, Mass.; William J. Hyland, 67 Horace street, East Boston, Mass.; Charles E. Folsom, 30 Esmond street, Boston, Mass.; John M. Minton, Orchard avenue, Jamaica Plain, Mass.; Daniel J. Kiley, 13 Allen street; Jacob Robinson, 14 Hancock street, Boston, Mass.; John P. Clark, 18 Chestnut street, Charlestown; Thomas M. Mullen, 435 East Sixth street, South Boston.

WILLIAM H. PREBLE, *Special Justice.*

A true copy, attest:

ALBERT C. TILDEN, *Deputy Sheriff.*

COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE SECRETARY.

Boston, June 15, 1901.

I hereby certify that on the 11th day of September, 1901, William H. Preble was appointed and commissioned, and on the 13th day of September, 1901, was duly qualified thereunder as one of the special justices of the municipal court of the Charlestown district of the city of Boston; to hold said trust during his good behavior therein; and further, that the commission of said William H. Preble as such special justice has been continuously and is now in full force and effect; and that to his acts and attestations as such full faith and credit should be given in and out of court.

In testimony of which I have hereto affixed the great seal of the Commonwealth.

[SEAL.]

WM. M. OLIN,

Secretary of the Commonwealth.

TWELFTH HEARING.

BOSTON, *June 15, 1901.*

Before Justice WILLIAM H. PREBLE:

THE COURT. Gentlemen, I am ready to go on. Is Mr. Conry represented? As I hear no response I will hear from you, Mr. Campbell.

MR. CAMPBELL. I offer the answer of John A. Keliher in this case and ask that the stenographer mark it.

THE COURT. As there is no appearance for Mr. Conry you ask me to receive that paper as a part of the evidence?

MR. CAMPBELL. As part of the evidence of the returned member, John A. Keliher.

THE COURT. This may be marked Exhibit A. I am not ruling on your right to file any paper that you desire. I take whatever evidence is offered.

MR. CAMPBELL. Now I offer notice to witnesses subpoenaed under the notice served on Joseph A. Conry.

THE COURT. That may be filed and marked Exhibit B.

MR. CAMPBELL. Now I would like to call the witnesses and have them sworn. I offer this request for hearing before William H. Preble, esq. (Exhibit C.)

I will call the witnesses: Joseph A. Conry, 157 Webster street, East Boston; Lorin S. Gray, 10 Auckland street, Dorchester; Daniel J. Cameron, 54 West Newton street, Boston; Jonathan Tomlinson, 18 Gibson street, Boston; J. C. E. Clark, 190 Adams street, Dorchester; Mrs. William Ciefre, 60 Castle street, Boston, and Samuel Jacobson, 52 Poplar street, Boston.

The COURT. Mr. Conry.

Mr. CAMPBELL. Mr. Conry is not here. Mr. Jacobson is here.

(The witnesses were then sworn by the judge.)

The COURT. Now, in regard to those two witnesses that do not appear, if you are satisfied that the notices were sent to them you may prepare a petition to the United States court, which I will verify, and let the judge of the United States court say whether they shall appear or not, and answer such questions as you may put to them.

Mr. CAMPBELL. I now offer this subpoena served on Joseph A. Conry, 157 Webster street, East Boston. (Subpoena read and marked "Ex. D.")

I wish to say that Joseph A. Conry's name is spelled Co-n-ry in the subpoena.

The COURT. You may have a loan of a copy of that subpoena for use in the United States court, and the original I will keep.

Mr. CAMPBELL. I wish to offer the subpoena of Mrs. William Ciefre.

The COURT. That may be marked also and used in the same way. (Marked "Ex. E.")

Mr. CAMPBELL. Now, I wish to offer a certified copy of the board of election commissioners as to the number of male voters registered in Ward 8.

The COURT. I will admit that subject to objection by the other side in case they appear before the hearing closes.

EXHIBIT F.

BOARD OF ELECTION COMMISSIONERS, OLD COURT-HOUSE, COURT SQUARE.

Boston, June 13, 1903.

To whom it may concern:

It appears by the records of this office that the number of registered male voters in Ward 8, Boston, for the years 1899, 1900, 1901, and 1902 were as follows:

| | |
|------------|-------|
| 1899 | 3,832 |
| 1900 | 3,956 |
| 1901 | 4,360 |
| 1902 | 4,073 |

The figures are the number of male voters at the final registration for each year.

BOARD OF ELECTION COMMISSIONERS,
JOHN M. MIXTOR, *Chairman*.

Mr. CAMPBELL. I wish to offer certified copy of the board of assessors, as to the total number of polls in Ward 8:

EXHIBIT G.

CITY OF BOSTON, ASSESSING DEPARTMENT, CITY HALL.

Boston, June 13, 1903.

I hereby certify that herewith is the total number of polls assessed for the years enumerated below in Ward 8.

These totals include both regular and supplementary assessments.

| | |
|------------|--------|
| 1899 | 8,543 |
| 1900 | 10,565 |
| 1901 | 12,070 |
| 1902 | 9,385 |

CHARLES E. FOLSON, *Secretary*.

I wish to offer the record of Thomas W. McTiernan, who testified in the first hearing in this case.

The COURT. What is it?

Mr. CAMPBELL. He was confined in the House of Correction on March 14, 1892, convicted for the larceny of a coat.

The COURT. The papers may be filed and marked as exhibits. (Ex. H.) I understand that is a record filed to affect the credibility of a witness at the former hearing.

Mr. CAMPBELL. Yes. Now, I wish to offer a certified copy of an act relative to the listing of voters of the city of Boston. (Ex. I.) I wish to offer a certificate of William H. Prohle, as special justice of the Charlestown district court. (Ex. J.)

I wish to offer the journal of the house of representatives, and especially the part relative to the exoneration of Representative Daniel J. Kiley. (Exhibit K.)

I would like to call to the stand Jeremiah McCarthy.

McCarthy not responding, Samuel Jacobson was called.

SAMUEL JACOBSON, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. Samuel Jacobson.

Q. Where do you live?—A. 52 Poplar street.

Q. What is your business?—A. Confectionery and ice cream.

Q. Did you ever have in your employ a person by the name of George H. Morse?—A. Yes, sir.

Q. When did he get through working at your place of business? Was it in February of this year?—A. He got through in February; yes.

Q. And did you at any time during the month of February go over to East Boston and meet him at the American House?—A. I went over to East Boston to deliver an order for a catering job.

Q. Did you ever go to the American House and meet George H. Morse there?—A. No, sir; I don't know where it is.

Q. Did you ever give any money to George H. Morse at the American House in East Boston?—A. No, sir.

SAMUEL JACOBSON.

JONATHAN TOMLINSON, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. Jonathan Tomlinson.

Q. What is your business?—A. Police officer.

Q. Where are you stationed?—A. Station 3.

Q. At the State election in November, 1902, were you on duty?—A. Yes, sir.

Q. Where were you on duty?—A. I was at precinct 4 in Ward 8.

Q. Were you there all day?—A. I was there all day with the exception of about two hours and a half, the dinner hour.

Q. What time was that?—A. From 10 to about half past 12.

Q. Do you know Daniel J. Kiley, the representative from that district?—A. I don't know him any more than to see him.

Q. Did you see him that day about that booth?—A. Yes, sir.

Q. Was he there all the time you were there?—A. I could not say all the time, but he was there pretty much of the time.

Q. While you were there did anything like the following happen at that booth: A party named Stack went in and Kiley after him; going to the clerk, Stack gave the name of Charles A. Donovan and the clerk repeated the name Donovan, 45 McLean street, residence, and immediately said it had been checked and the cry was it had not been checked. There was a cry and some trouble there at that time? Do you remember any such occurrence there at that time?—A. No, sir.

Q. And the name of one Charles A. Donovan was called?—A. No, sir; I don't remember any such occurrence happening at all.

Q. Did you have any kind of row down there at that precinct that you recall?—A. I did not see any.

JONATHAN TOMLINSON.

LORIN S. GRAY, sworn.

By Mr. CAMPBELL:

Q. What is your full name?—A. Lorin S. Gray.

Q. Where do you live?—A. I live at 10 Auckland street, Dorchester.

Q. You are a police officer of the city of Boston?—A. Yes, sir.

Q. At the State election, November 4, 1902, were you on duty?—A. I was, in Ward 8, precinct 4, McLean street, corner of Blossom.

Q. Do you know Daniel J. Kiley, a representative from that district?—A. I do.

Q. Was he at the booth where you were?—A. He was.

Q. Were you there all day?—A. Except at breakfast time and lunch time; I was the ballot-box officer.

Q. What hour did you have breakfast?—A. I usually get my breakfast and get back as quick as I can; I went at 7 and got back at 10.

Q. Your lunch was at what hour?—A. I think I went from 12 to 1.

Q. And Mr. Kiley was there all the time that you were there?—A. He was.

Q. You just heard me ask the last witness in regard to trouble that occurred at that booth on that day?—A. I did.

Q. Did any such trouble occur there that day?—A. There was not in my presence.

Q. Was there any trouble at that booth that day whilst you were there?—A. There was not.

LORIN S. GRAY.

DANIEL P. CAMERON, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. Daniel P. Cameron.

Q. Where do you live?—A. At 54 West Newton street.

Q. What is your occupation?—A. Police officer.

Q. In the city of Boston?—A. In the city of Boston.

Q. On November 4, 1902, election day, were you on duty?—A. Yes sir; I was.

Q. Where?—A. In Ward 8, precinct 4.

Q. What hours were you there?—A. I was there from 7 in the morning until 2 steady.

Q. Until 2 in the afternoon?—A. Yes, sir.

Q. And during that time did you see Daniel J. Kiley, the representative, there?—A. I saw him there.

Q. All the time that you were there?—A. I could not say about all the time; I did not see him all the time; I saw him there several times.

Q. Did you leave there at 2 o'clock that afternoon?—A. That was my dinner hour, 2 o'clock.

Q. What time did you get back?—A. About ten minutes to 4.

Q. You heard me ask the last witness in regard to trouble that occurred at that booth on that day. Was there any such trouble occurred there?—A. Not while I was there.

Q. Was there any trouble during that day at all?—A. I never saw any.

DANIEL P. CAMERON.

JOHN C. E. CLARK, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. John C. E. Clark.

Q. Where do you live?—A. At 190 Adams street, Dorchester.

Q. You are a police officer of the city of Boston?—A. I am.

Q. On the 4th of November, 1902, state where you were stationed.—A. I was doing street duty.

Q. Where?—A. What they call route 13 and 12.

Q. Does that include precinct 4 of Ward 8?—A. Yes, sir.

Q. Were you at precinct 4 of Ward 8 during the day?—A. I went down the street but I was not in the booth, not that I remember of.

Q. You were not on duty as an officer that day attending to the election at all?—A. No.

JOHN C. E. CLARK.

Mr. CAMPBELL. I offer all these subpoenas: Jacobson subpoena, marked "Exhibit L;" Clarke subpoena, marked "Exhibit M;" Cameron subpoena, marked "Exhibit N;" Gray subpoena, marked "Exhibit O;" Tomlinson subpoena, marked "Exhibit P."

The Court. I shall adjourn this taking of further testimony until 2 o'clock to-day. I desire the witnesses who are present and who testified will be here for the purpose of examining the testimony they have given, reading and signing it. This testimony has got to be written out and you will be here at 2 o'clock and it will take but a few minutes to read it over and sign it.

AFTERNOON SESSION.

After the witnesses who had testified in the morning had read the report of their testimony and signed it, they were all sworn by Judge Preble as to the truth of the statements in their testimony.

Mr. CAMPBELL. I wish to offer now, a certificate from the board of assessors of the city of Boston as to the total number of regular and supplementary assessments in Ward 8, in the years 1899, 1900, 1901, and 1902. (Certificate read and marked "Exhibit Q.")

EXHIBIT Q.

CITY OF BOSTON, ASSESSING DEPARTMENT, CITY HALL,
Boston, June 15, 1903.

I hereby certify that the total number of polls assessed in Ward 8, regular and supplementary, for the years 1899, 1900, 1901, and 1902, were as follows:

| | 1899. | 1900. | 1901. | 1902. |
|-------------------------------|-------|--------|--------|-------|
| Regular assessment..... | 8,093 | 10,251 | 11,461 | 9,114 |
| Supplementary assessment..... | 450 | 314 | 609 | 271 |
| Total | 8,543 | 10,565 | 12,070 | 9,385 |

For the board of assessors:

GEORGE A. CONNELL, *Chairman*.

JEREMIAH J. MCCARTHY, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. Jeremiah J. McCarthy.

Q. Where do you live?—A. 56 Spring street.

Q. Is that in Ward 8?—A. Yes, sir.

Q. City of Boston?—A. Yes, sir.

Q. Have you been interested in politics?—A. A little mite.

Q. Have you run for any office?—A. Yes, sir.

Q. For what office did you run?—A. Common council.

Q. When did you run for the common council?—A. In 1900 and 1901.

Q. Were you elected to the common council?—A. No, sir.

Q. Have you held any elective office?—A. I was a member of the ward committee.

Q. You held no other office?—A. No, sir.

Q. On November 4, 1902, were you in the vicinity of the polling booth on the corner of Blossom and McLean streets?—A. Yes, sir.

Q. What time did you go there?—A. Between 7 o'clock and 8, and remained until 8; and then I went there at 11 o'clock, and was there until after it closed.

Q. That is, from 11 o'clock in the morning until after 4 o'clock in the afternoon?—A. Yes, sir.

Q. You were there during all that time?—A. During all that time.

Q. While you were there did you have any conversation with a person by the name of George H. Morse?—A. No, sir.

Q. Did you have any conversation with a person by the name of Thomas W. McTiernan?—A. No, sir.

Q. On that day at that booth?—A. No, sir.

Q. I will ask you to listen to the testimony which was given by George H. Morse at the hearing held in East Boston in this case:

“By Mr. MALLEY:

“Q. Where was that?—A. My voting booth was on the corner of Blossom and Parkman streets; and I met on the way there, on the corner of Blossom and Parkman streets, Mr. Jeremiah McCarthy.

“Q. Who is Mr. Jeremiah McCarthy? What does he do?—A. I don't know what he does. I just know he is one of the Ward 8 men.

“Q. Is he interested in Ward 8 politics?—A. Yes; and he asked me had I voted. I said ‘No,’ and he said, ‘Well, go ahead and vote.’ I said, ‘Well, I don't care to hurry about voting; I've got lots of time.’ ‘Well, there is something in it for you if you go in.’ I said, ‘All right. What is in it?’ ‘Well, there is a couple of dollars in it.’ ‘Oh,’ I said, ‘I do not care to take the chance of going in.’ ‘Well, here, take this,’ he said, ‘and go in and vote on this name.’ He handed me a slip of paper with a name on it and the address to go in. I said, ‘No; I don't want to take the chance.’”

Did any such occurrence as that take place on that day, so far as you know?—A. No, sir.

Q. How long have you lived in that precinct?—A. Oh, I have lived in that precinct, I guess, three years.

Q. Is there any other Jeremiah McCarthy living in that precinct?—A. Yes; there is another Jeremiah McCarthy at 16 Causeway street.

Q. What does he do?—A. I don't know what he does for a living. He did live there; I don't know that he lives there now.

Q. Is he interested in politics so far as you know?—A. Not to my knowledge.

Q. Was he in the booth in precinct 4 on that day?—A. Not to my knowledge.

Q. Was he there during the hours from 11 to 4 o'clock in the afternoon?—A. No, sir.

Q. Were you there all the time?—A. Yes, sir.

Q. And you were the only McCarthy there so far as you know?—A. Yes, sir.

Q. Did you give George H. Morse \$2 on that day?—A. No, sir.

Q. For any purpose whatever?—A. No, sir.

Q. While you were there at that booth did you see Mr. Daniel J. Kiley, now Representative from that district?—A. Yes, sir.

Q. Was he there during the hours that you were there?—A. Yes, sir.

Q. He was there all the time that you were there?—A. Yes, sir.

Q. Was he there during all the day?—A. From 11 o'clock until after 4; yes.

Q. Do you know whether he went to lunch at all during that day?—A. He did not.

Q. And during all that time he was at that booth at that corner?—A. Yes, sir.

Q. He never left it so far as you know?—A. He never left it. I know he did not leave it.

The COURT. There is no more testimony to be taken now.

Mr. CAMPBELL. I should like an adjournment until to-morrow.

The COURT. We will adjourn until 1 o'clock to-morrow, with the understanding that we are to meet at 2 o'clock.

JEREMIAH J. MCCARTHY.

THIRTEENTH HEARING.

Boston, Thursday, June 18, 1903.

Mr. CAMPBELL. I wish to offer notice of witnesses who were served upon: John H. Mahoney, William J. Hyland, Charles E. Folsome, John M. Minton, Daniel J. Kiley, Jacob Robinson, John P. Clark, and Thos. M. Mullen.

JOHN M. MINTON, sworn.

Q. What is your name?—A. John M. Minton.

Q. You are chairman of the board of election commissioners of the city of Boston?—A. Yes.

Q. How is that board made up—of how many members?—A. Four.

Q. Is that what is called the bipartisan board?—A. Yes. It is composed of two Republicans and two Democrats.

Q. In case of a tie, who decides?—A. We call in a municipal justice of the city of Boston.

Q. And he casts the deciding vote?—A. Yes.

Q. Has there been any complaint made to your board in relation to illegal voting by persons at No. 1 and 3 Lowell street, in the city of Boston?—A. No, sir; not since I have been on the board, from May 1, 1902.

Q. There has never been any complaint of illegal registration?—A. No, sir; not since May 1, 1902, when I went on the board.

Q. Has there been any complaint entered of illegal registration in the city of Boston during 1902?—A. Yes.

Q. Where?—A. There have been complaints entered against persons residing at 68 Causeway street, Ward 8, precinct L.

Q. What has been the result of that complaint?—A. There were thirty-two complaints of persons residing at 68 Causeway street.

Q. Has the board taken any action on those complaints?—A. Yes.

Q. What action?—A. Do you desire the names of the persons or just the action?

Q. The action in regard to all of them?—A. Well, in the case of Joseph H. Chirack—

Q. When was that complaint entered?—A. April 24, 1902. Service was made April 29.

Q. I asked you about 1902; has there been any complaint?—A. I did not understand you to give the year.

Q. The year 1902?—A. No; there was no complaint in 1902.

Q. The first complaint was made when?—A. In Ward 8.

Q. Yes.—A. April 24, 1903.

Q. What was the result of all those complaints—the action of the board, the general result?—A. In five cases the complaints were dismissed; in one case sufficient ground not appearing, no summons was issued to the person complained of; in the

remainder of the cases the complaints were withdrawn by the person who made the complaint.

Q. Did Joseph A. Conry or his attorney enter any complaint?—A. Francis F. Harrington made a number of complaints.

Q. Did he enter the complaints as attorney for Joseph A. Conry?—A. He entered the complaints as a citizen of Boston.

Q. And those are the only complaints that have been entered since May 1, 1902?—A. Well, we have had complaints from other parts of the city.

Q. I mean in regard to Ward 8.—A. Yes, sir.

Q. That is all in regard to Ward 8?—A. Yes, sir.

JOHN M. MINTON.

CHARLES E. FOLSOM, sworn.

Q. What is your name?—A. Charles E. Folsom.

Q. Where do you reside?—A. At 30 Esmond street, Dorchester, Ward 20.

Q. You are a member of the board of assessors of the city of Boston?—A. I am.

Q. You are the secretary of the board?—A. I am.

Q. Has there been any complaint entered with your board relative to illegal assessments in Ward 8 of the city of Boston?—A. No—that is, I suppose you mean during my time as secretary?

Q. During the last year, since May 1, 1902, up to the present time?—A. No.

CHARLES E. FOLSOM.

JOHN H. MAHONY, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. John H. Mahony.

Q. Where do you live?—A. 116 Hutchings street, Roxbury.

Q. What is your employment?—A. Employed as architect in the building department of the city of Boston.

Q. Did you have occasion to visit 1 and 3 Lowell street at any time within the last year?—A. Yes, sir.

Q. When?—A. Sometime in February of this year.

Q. For what purpose did you visit 1 and 3 Lowell street?—A. To examine the building relative to egress and prepare plan of the rooms for building commissioner.

Q. Was that made in consequence of an application to the building commissioner?—A. Yes, sir.

Q. For Mr. Conry?—A. Yes, sir.

Q. And what did you find there?—A. I found a three-story brick building situated on the corner of Causeway street, occupied as a drug store.

Q. Is that known as 1 and 3 Lowell street?—A. Yes, sir. The first floor was occupied as a drug store—the corner building; the second floor parlor, dining room, and kitchen; and the two remaining floors above occupied by lodgers.

Q. Have you a plan that will enable you to tell about that?—A. Yes, sir.

Q. Have you that with you?—A. Yes, sir.

Q. Have you stated all you know about 1 Lowell street.—A. Yes.

Q. In 3 Lowell street what did you find?—A. I found a part of the building on the front used for a store, and the rest used as a lodging house complete.

Q. Did you go through the whole house?—A. I did.

Q. Did you look over the accommodations in that house?—A. Yes.

Q. Was that part of your duty?—A. Yes, sir.

Q. Did you find accommodations there for persons?—A. Yes, sir.

Q. For how many persons?—A. I don't know positively, but I think in the neighborhood of 108.

Q. One hundred and eight?—A. Yes, sir.

Q. How many floors were there in that building?—A. Three and an attic.

Q. On each floor there were beds?—A. Yes, sir; accommodations for two people—double deckers.

Q. That is, two persons could sleep in the same bed, one over the other?—A. Yes, sir; and there were single beds and lounges in different rooms.

Q. Did Mr. Conry ever get from you a copy of your report on this matter?—A. Yes, sir; similar to this.

JOHN H. MAHONY.

Mrs. WILLIAM CIFRE, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. Mrs. William Cifre.

Q. Where do you live?—A. At 60 Castle street, suite 11.

Q. Did you live there in May, 1902?—A. Yes, sir.

Q. How long have you lived there?—A. Two years last April.

Q. Two years last April?—A. Yes, sir.

Q. Do you know a person named Thomas W. McTiernan?—A. Yes, sir.

Q. Do you know a person named George H. Morse?—A. No, sir; I don't.

Q. Do you know whether Thomas W. McTiernan had a person named George H. Morse call on him at 60 Castle street?—A. He has called, but was not in the house. He has rung up the tube and inquired for him.

Q. In May, 1902, did Thomas W. McTiernan live at that house with you?—A. No, sir.

Q. When did he last reside there?—A. Somewhere around the last of March, 1902.

Q. You are positive that on May 1, 1902, he was not living there?—A. Yes, sir.

MRS. WILLIAM CUFRE.

WILLIAM J. HYLAND, sworn.

By MR. CAMPBELL:

Q. What is your name?—A. William J. Hyland.

Q. You are a sergeant of police of the city of Boston?—A. I am.

Q. At what station?—A. Station 3, West End.

Q. Did you have occasion to visit 1 and 3 Lowell street within the last year?—A. Yes.

Q. For what purpose did you visit it?—A. Searching for liquor.

Q. And during your search for liquor did you look at the accommodations there—inspecting for sleeping in 1 and 3 Lowell street?—A. Not in No. 1—in No. 3 only.

Q. How many beds did you find in 3 Lowell street?—A. I think it was 81 or 82.

Q. You testified in the case of the Commonwealth v. Edward J. Kane?—A. I did.

Q. Relative to 3 Lowell street?—A. I did.

Q. How many floors are there in that house?—A. Four.

Q. On the first floor—how many beds did you find, if you recollect?—A. I could not tell you that. I did not bring that memorandum with me; I brought another one.

Q. It was on December 9, 1902, at city election, that you searched that house for intoxicating liquors under a warrant?—A. Yes, sir—that is, I searched both houses.

Q. On the first floor of No. 3 Lowell street—did you not testify that you found 14 bunks there arranged in tiers, one above the other?—A. Possibly 14—I think it was. I won't testify the exact number.

Q. And on the second floor 28?—A. That is probably correct.

Q. And on the third floor 24 bunks?—A. That is probably correct.

Q. And on the fourth floor 16 beds?—A. That is probably correct.

Q. And in the whole house—you testified there were 83 beds at 3 Lowell street?—A. Yes, sir.

Q. You made a memorandum of that the day you searched there?—A. Yes, sir.

Q. Did you make more than one memorandum?—A. Yes; I made a copy and left it at the station house.

Q. What did you do with the original memorandum you made?—A. I destroyed it.

Q. You did not give it to Joseph A. Conry or any of his attorneys or anyone in his behalf?—A. No, sir.

Q. You are positive of that?—A. Quite positive.

Q. So that you found 82 beds at 3 Lowell street—and about how many would those beds accommodate?—A. That number of persons.

Q. Eighty-two persons?—A. Yes.

WILLIAM J. HYLAND.

THOMAS M. MULLEN, sworn.

Q. What is your name?—A. Thomas M. Mullen.

Q. Where do you live?—A. 435 East Sixth street, South Boston.

Q. You are a member of the police force of the city of Boston?—A. I am, sir.

Q. Have you had occasion to visit 1 and 3 Lowell street within the last year?—A. I have, sir.

Q. When did you visit it?—A. With Lieutenant Clark of station 3; I don't remember just the date.

Q. For what purpose did you go there?—A. To assess them.

Q. To assess what—all the male voters over the age of 20 that lived there the first of May, 1903?—A. Yes, sir.

Q. How many male persons lived there on that day?—A. Well, now, I made no memorandum. Whatever I say will be according to my best recollection.

Q. According to your best recollection, how many were there?—A. I should say

there were, maybe, 23 to 28 in No. 1. It might be less and it might be more, but I think something like that. I think it was 25; I won't be sure.

Q. That is your best recollection?—A. That is my best recollection; and in No. 3 it was something between 70 and 80.

Q. Between 70 and 80?—A. Yes, sir.

Q. So that there were at the time you made your visit there over a hundred male persons in 1 and 3 Lowell street?—A. Yes.

Q. Where is 1 and 3 Lowell street—in Ward 8?—A. It is in Ward 8.

Q. You say Lieutenant Clark was with you at the time?—A. Yes, sir.

THOMAS M. MULLEN.

JACOB ROBINSON, sworn.

Q. What is your name?—A. Jacob Robinson.

Q. Where do you live?—A. 14 Hancock street.

Q. In Ward 8 of the city of Boston?—A. Yes, sir.

Q. On election day, November 4, 1902—the State election—were you at the booth, corner of Blossom and McLean streets?—A. Yes, sir; I lived, then, right opposite it.

Q. Were you around that booth all that day?—A. I was around the booth all that day.

Q. Did you see Daniel J. Kiley, the representative from Ward 8, at that booth on that day?—A. Yes, sir.

Q. Was he there all the time that you were there?—A. Yes, sir.

Q. And while you were at the booth was there any trouble in the booth relative to the voting of a person named Stack on the name of one Donovan?—A. No, sir.

Q. Was there any trouble there during that day, so far as you know?—A. No, sir.

Q. Were you there all that day?—A. I was there all day.

JACOB ROBINSON.

Mr. CAMPBELL. I now offer these subpoenas in evidence.

(Papers marked Exhibits R-r, S, T, U, V, W, and X.)

Adjourned to Saturday, June 20, at 11 a. m.

FOURTEENTH HEARING.

Boston, Saturday, June 20, 1903.

Mr. CAMPBELL. I will call Mr. Daniel J. Kiley.

DANIEL J. KILEY, sworn.

Q. What is your name?—A. Daniel J. Kiley.

Q. Where do you live, Mr. Kiley?—A. At present at 49 Allen street.

Q. You are a member of the Massachusetts house of representatives?—A. Yes, sir.

Q. Where did you live at the time you were elected to that office?—A. You mean my voting residence?

Q. Yes.—A. I lived at 13 Allen street up to the 1st of June, and then at 49 Allen street.

Q. On the 1st of May, 1902, you lived at 13 Allen street?—A. At 13 Allen street.

Q. How long have you been a member of the legislature?—A. Three years.

Q. Were you a member of any other public body besides the Massachusetts house of representatives?—A. The city council.

Q. How long were you a member of the city council?—A. Five years.

Q. Were you president of that body?—A. I was president of the lower branch three years.

Q. That is composed of Republicans and Democrats?—A. Both parties.

Q. You were elected president of the common council in what year?—A. I was elected in 1899, 1900, and 1901 by the votes of both political parties, Republicans and Democrats.

Q. And you are now the representative from the Eighth Suffolk district in the Massachusetts house of representatives?—A. Yes, sir.

Q. On November 4, 1902, you remember that was State election day?—A. The day of the State election, yes, sir.

Q. Where were you on that day?—A. At precinct 4, in Ward 8, corner of McLean and Blossom streets.

Q. Were you there all day?—A. All day.

Q. Did you leave there at anytime to go to lunch?—A. Just to step across the street where my residence was located—across the street from the booth.

Q. I will ask you to listen to testimony given by George H. Morse in the hearing

of this case before Justice Barnes and Mr. Dean on March 2, 1903, in which Morse testified as follows:

"I met McTiernan about half-past 2 in the afternoon. I went down to the polling booth on Lyman, a little below Lyman and Staniford streets, and there he met Mr. Daniel Kiley of Ward 8. Mr. Kiley called him to one side and called me one side and said, 'Did you vote?' I said 'No.' 'Well, have you voted?'—to Mr. McTiernan. He says 'No.' He says, 'Go ahead in and vote.' He says, 'Oh, I have got lots of time before 4 o'clock,' he says.

"By Mr. CAMPBELL:

Q. "Who said that?—A. Mr. McTiernan. And he says, 'I have got lots of time.' He says, 'Go ahead in and vote now.' He says, 'Here is \$2, and be sure to vote for Mr. John A. Keliher.' McTiernan said, 'I don't want to; I am afraid to.' He says, 'Never mind, don't be afraid; I have got the police with me and everybody behind the rail. Go ahead in and vote.' So he took the \$2 and went in and voted."

Q. Did any such occurrence as that happen on that day?—A. I was not on Staniford street in precinct 2 for a single moment on that day. I did not see Mr. McTiernan nor Mr. Morse on that day. Nothing of the kind ever took place, and it is absolutely false in every particular.

Q. Do you know men by the names of Thomas W. McTiernan and George H. Morse?—A. Not to my knowledge.

Q. Were you present later in that day when George H. Morse met one Jeremiah McCarthy in some place near the booth at the corner of Blossom and Parkman streets?—A. Blossom and Parkman streets?

Q. Some place near Blossom and Parkman streets?—A. I was not there at any time during that day, at Blossom and Parkman streets.

Q. You therefore did not hear any conversation between one Morse and one Jeremiah McCarthy at that place on that day?—A. I heard no conversation.

Q. There were charges brought against you before the house of representatives?—A. Yes, sir.

Q. Those charges were substantially the same as the charges that are made against John A. Keliher by Mr. Conry?—A. Substantially the same charges as were testified to by these witnesses, Morse and McTiernan.

Q. And what was the result?—A. The result was a report which I take it you have, made officially to the Massachusetts house of representatives by a committee consisting of ten Republicans and one Democrat, after a full investigation, completely and fully exonerating me from any such charge.

DANIEL J. KILEY.

JOHN P. CLARK, sworn.

By Mr. CAMPBELL:

Q. What is your name?—A. John P. Clark.

Q. You are a lieutenant of police in the city of Boston?—A. Yes, sir.

Q. Where do you live?—A. In Charlestown; 18 Chestnut street.

Q. Had you occasion within the last two months to visit 1 and 3 Lowell street, Ward 8, in the city of Boston?—A. I had.

Q. For what purpose did you visit it?—A. For the purpose of assessing.

Q. For the purpose of assessing under an act passed by the legislature of Massachusetts relative to the listing and registration of voters in the city of Boston?—A. Yes, sir.

Q. Were you acting under that act?—A. Yes, sir.

Q. As a police officer of the city of Boston?—A. Yes, sir.

Q. Did you find some people at 1 and 3 Lowell street?—A. Yes, sir.

Q. How many?—A. I found three when I went there.

Q. Did you take a list of the names of persons who were living there at that time?—A. I did.

Q. How many names did you take?—A. Well, I can't tell you the exact number; but it seems to me somewhere in the vicinity of perhaps 93 or 94.

Q. Ninety-three or ninety-four?—A. I should say about that.

Q. And you made that return to the commissioners of police?—A. I did.

Q. And who took the names with you—who assisted you in the taking of the names?—A. Sergeant Mullen, of station 3.

JOHN P. CLARK.

MR. CAMPBELL. I wish to offer this certificate of the institutions registration department, as to Nathaniel Reed. (Certificate read.) I offer this because Reed is one of the witnesses called to testify in East Boston, and did not appear at the time. The reason is because he was on the island—in prison. (Exhibit Y.)

The COURT. We will adjourn to some time obliged to be fixed hereafter, on notice to the other side.

I, William H. Preble, special justice of the municipal court of the Charlestown district, said court being a court of record, and having a seal, and having original and concurrent jurisdiction with the superior court of Massachusetts, in Wards 3, 4, and 5 of the city of Boston, said wards comprising a part of the Ninth Congressional district, hereby certify that at the request of John A. Keliher, the returned member to the Fifty-eighth Congress from said district, did, after due notices to said Joseph A. Conry, which said notices, with return of the sheriff of service thereon, are hereto attached and made a part of the record, take the testimony of certain witnesses. Said witnesses appeared before me, and after being duly sworn, their testimony was reduced to writing, and after examination by said witnesses, was severally signed by them, and further verified by their oath as to the truth of their said statements; that the testimony of said witnesses is comprised between pages 4 and 30, inclusive, of the annexed record.

And that the exhibits hereto attached from A to Y, inclusive, were received by me and are made a part of the record.

I hereby certify that neither said Joseph A. Conry or any person representing him appeared before me at either of said hearings.

I further certify that Mark E. Smith is the clerk of the said municipal court of the Charlestown district, and that the seal attached hereto is the seal of said court.

[SEAL.]

WILLIAM H. PREBLE,
Special Justice.

I, Mark E. Smith, clerk of the municipal court of the Charlestown district, hereby certify that I am well acquainted with the handwriting of William H. Preble, special justice of said court, and that the foregoing certificate signed by him is in his own proper handwriting.

In witness whereof I hereunto set my hand and the seal of the said court.

[SEAL.]

MARK E. SMITH,
Clerk of the Municipal Court of the Charlestown District.

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